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ESSENTIALS  
OF  
CIVIL GOVERNMENT

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S. Y. GILLAN



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ESSENTIALS  
OF  
CIVIL GOVERNMENT

UNITED STATES AND WISCONSIN

BY  
S. Y. GILLAN



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## PREFACE

In these pages as much of the subject of civil government is presented as we may reasonably expect pupils in the public schools to master. No attempt has been made to write an exhaustive treatise, and unimportant matter has been omitted.

It is assumed that pupils who use this book have some knowledge of United States history, and that they have formed the dictionary habit. Every new subject presents to the pupil a new set of terms; hence, if wisely taught, it will enlarge and enrich the stock of words at his command. Care should be taken to have the pupils learn the meaning of all terms not already in his vocabulary. To illustrate, take the first few paragraphs on pages 11 and 12. These words occur: *promulgated, delegates, convention, assumed, league, judiciary, ratified, adopted, amendment, legalize, income, domestic tranquility, posterity, ordain, granted, vested*. Most of these words are not familiar to the student, and he must learn their meaning; some of them are technical terms peculiar to the subject and others are words in general use but beyond the pupil's present vocabulary. The dictionary must be used by the student every day, and the teacher's insistence from the first that no word shall be passed whose meaning is not clearly understood will insure increased interest in the study as the subject unfolds.

A book of the scope of this text should treat local government both in the city and in the country districts.

The chapter on the City of Milwaukee can be used by pupils in other cities as illustrative of the government of the larger cities of Wisconsin, and the teacher can indicate the points in which it differs from any particular city in which this text is used.

Acknowledgment is due a number of prominent school men who read the proofs and made suggestions which have been incorporated in the text. The chapter on How to Run a Public Meeting is based on an article contributed to the Western Teacher by a thorough student of parliamentary practice, Principal G. M. Morrissey, of Chilton, Wisconsin.

S. Y. G.

# ESSENTIALS OF CIVIL GOVERNMENT

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## FORMS OF GOVERNMENT

The *Home* is the simplest form of government. Obedience to parents in order that all may live together in harmony is the basis of home government.

*The Village, Town or City* includes many homes and the land around them. In such a unit some central authority is necessary so that no family shall interfere with the peace, comfort or safety of the community, also to provide at public expense and care for certain conveniences, such as schools, water supply, sewers, sidewalks, streets, a fire department, etc., which are of use to all the people.

Among primitive peoples some one man, recognized as a leader, lays down laws to be obeyed and settles disputes between individuals. In most civilized communities laws for a village, town or city are made by men elected by the people, and quarrels are settled by another set of men chosen by the people or appointed by those who are thus chosen.

*The State or Nation* is the highest form of government, and is made up of all communities lying within its limits. The government of a state or nation decides

what matters each village, town or city may manage for itself, and also makes general laws which apply to all the villages, towns, cities and other units of local government within its limits. The officers of a state or nation have control of such public conveniences and institutions as railways, canals, forest reserves, prisons, asylums, public education, postoffices, lighthouses, harbors and forts. They carry on business with other nations, maintain an army and navy, and control all matters pertaining to currency and coinage.

The words *state* and *nation* are synonymous. In the United States, however, the word *state* has a peculiar and restricted meaning. The powers ordinarily exercised by a state or nation are in this country divided between the governments of the several States on the one hand and the Federal government on the other.

*Democratic and Monarchical Government.* A government, the responsible officers of which should be elected by the people would be called a *democracy*; but there are no such governments anywhere except in very limited areas and for a few simple functions of government. The governments which are most nearly democratic are those of Switzerland, Great Britain (the kingdom, not the empire), and some of the state governments of the United States. A democracy in which the people rule through representatives whom they choose by vote is called a *republic*.

A democracy is very different from a monarchy, where one man makes the laws and acts for the nation and the people have little voice in the government. Just as there are no pure democracies so also there are no absolute

monarchies, for even those that are absolute in form and theory are in practice tempered by the fear of revolution.

These two kinds of national government, differing widely in form, have been established for the same reasons, viz., to keep people from infringing on the rights of others, and because certain matters must be managed for the benefit of the group as a whole. In addition to these two legitimate reasons for the existence of governments there is a third which is productive of much evil, viz., the selfish ambition of the governing classes in some countries, which leads them to look upon governments as existing primarily for the benefit of the rulers and of strong nations. But for this attitude of rulers and strong nations most of the expense for armies and navies could be saved. In monarchies where this view of the purpose of government prevails, the ruling class is a hereditary nobility known as an aristocracy; in republics it is a wealthy class known as a plutocracy. In either case the community is heavily taxed, directly or indirectly, for the enrichment of the ruling class.

In some States of the American Union, towns and school districts have a democratic form of government; and all the state governments are representative democracies, that is, republics, in form, and most of them are so in fact. But our general government is very much like a limited monarchy and contains in its form nothing democratic except the method of choosing the two houses of the legislative department of the government. The election of the President has become popular, although the form adopted originally contemplated a different method. But the President when elected is practically a



limited monarch entrusted with greater power than any European monarch, with the exception of the German Kaiser and the Sultan of Turkey. In all the administrative branches of our Federal government, there is no trace of democracy. The officers from the lowest to the highest are appointed, not elected. These include all judges, postmasters, marshals, customs officers, etc., in all more than four hundred thousand officers. In the operation of all its functions our Federal government is similar to a monarchy, limited in some measure by laws made by a body called Congress, both branches of which are chosen by popular vote.

*An Empire* is a group of nations or communities including a relatively strong one to which the others are subordinate and subject. The subject people included in an empire do not have all the rights and privileges that subjects or citizens in the dominant state possess. The ruler of an empire may be called by any name, as Emperor, King, Consul, President, Sultan, etc.

In this country we live under two governments, the State and the Federal. These differ in certain features that should be clearly understood.

1. Nearly all the officers of the Federal government hold their positions by appointment, not by election. The only ones that are elected by the people are the members of the two houses of Congress, the President and the Vice-President, a total of only 537 that are chosen by the people.

On the other hand, the officers who administer the State governments are nearly all elected by the people, and they aggregate a much larger number than the Federal



officers. Governors, legislators, judges, sheriffs, mayors, aldermen, township officers, school directors, etc., are elected by the people. When, therefore, we say that in this country the people elect their own officers, we refer to the State governments, not to the Federal government.<sup>1</sup>

2. The State governments differ widely and fundamentally in their nature from the Federal government. This difference is clearly stated by Mr. James Bryce as follows:

“The powers vested in the States are all of them *original and inherent* powers. Hence they are *prima facie* unlimited, and if a question arises as to any particular power, it is presumed to be enjoyed by the State, unless it can be shown to have been taken away by the Federal Constitution; or, in other words, a State is not deemed to be subject to any restriction which the Constitution has not distinctly imposed.

“The powers granted to the national government are delegated powers, enumerated in and defined by the instrument [the Federal Constitution] which has created the Union. Hence the rule that when a question arises whether the national government possesses a particular power, proof must be given that the power was positively granted. If not granted, it is not possessed, because the

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<sup>1</sup> The framers of the Federal Constitution, with very few exceptions, distrusted the people, did not believe in popular government, and favored government by the minority. They framed a system as far removed from the popular type as it was possible to make it with any hope of having it adopted even by the small number of people at that time having the right of voting; the voters were the property holders—about one in thirty of the population. The people have only recently begun to change the Federal Constitution to the popular or democratic type.

Union is an artificial creation whose government can do nothing but what the people have by the Constitution conferred. The presumption is therefore against the national government in such a case, just as it is for the State in a like case.

“That is to say, the authority of the State is an inherent, not a delegated, authority. It has all the powers which any independent government can have, except such as it can be affirmatively shown to have stripped itself of, while the Federal government has only such powers as it can be affirmatively shown to have received.” [From *The American Commonwealth*, Chapters XXVII and XXXVI.]

#### QUESTIONS

1. What is the basis of home government?
2. State two reasons why government is necessary.
3. What is a state or nation?
4. Define democracy, monarchy, republic, aristocracy and plutocracy.
5. How many officers of our Federal government are there?
6. How many of our Federal government officers are elected by the people?
7. What is an empire?
8. What are the two chief points of difference between our Federal government and our State governments?
9. In this country we live under two governments; which is the more democratic?

# THE FEDERAL GOVERNMENT

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## Legislative Power

We shall now examine the Constitution of the United States, the instrument which created our Federal government, to learn what its provisions are and how the governmental machinery operates.

The Declaration of Independence was adopted and promulgated at Philadelphia July 4, 1776, and signed August 2 by the delegates to the Continental Congress, which was simply a convention representing the thirteen British Colonies south of Canada. It declared these Colonies to be free and independent States. It assumed charge of the Continental armies and of the foreign relations of the new States until it gave place to the Federal Congress (established by the Articles of Confederation among the States), which met in 1781.

The Articles of Confederation formed a league, but not a government proper, since they did not provide for a Federal Executive or a Federal Judiciary, and their acts, to be binding, had to be ratified by the several States acting individually.

In 1787 a Constitutional Convention prepared a Constitution, which was adopted by most of the States in the following year, and within about three years by all of them. The Constitution established a central govern-

ment for the United States, which went into effect in 1789 among the States which had then ratified it. Seventeen Amendments have been added to the Constitution, and the States have been increased to the number of forty-eight.

The introductory paragraph of the Constitution, which states the purpose of that instrument, is called the Preamble.

### **PREAMBLE**

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I. *Section 1.*—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### **THE HOUSE OF REPRESENTATIVES**

*Section 2.*—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

By *electors* in each State are meant those who can vote. In some States there are many citizens who have the right to vote on certain subjects and for certain officers but who do not have the right to vote for members of the legislature. Each State in determining what class of its citizens may vote for the most numerous branch of its

legislature determines who may vote for members of the House of Representatives. These qualifications are not uniform in the several States. Some States require United States citizenship, some require a property qualification, others make requirements as to education; in some States women may vote. The laws of some of the southern States are so worded as to exclude most of the Negroes from the suffrage.<sup>2</sup>

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

“Three-fifths of all other persons” referred to the slaves of former days. Thus, if a State had 40,000 white people and 60,000 slaves, it was considered to have 76,000 population for the purpose of enumeration. This was

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<sup>2</sup> Louisiana requires property and educational qualifications, but exempts from these requirements all whose fathers were voters in 1867 or previous to that date. This is called the “grandfather clause” and was designed to prevent Negroes from voting.

changed by the Fourteenth Amendment, so that all persons except Indians not taxed are now included in the enumeration.

In the first Congress of the United States there was one Representative for each 30,000 of population. The ratio is changed each ten years. Congress determines each ten years how many members there shall be in the House of Representatives. The total population is then divided by this number; the quotient is called the ratio of representation. To each State whose population is not greater than this "ratio" one Representative is assigned.

The enumeration is called a census, and it now includes much more than a report of the number of people. Their age, sex and nationality are reported; also facts concerning wealth, taxation, manufactures, agriculture, commerce, etc., are included.

After the census of 1910 Congress decided that the number of Representatives should be 433. Dividing the population of the United States by 433 gives a quotient of 212,407. This is called the *ratio of representation*. When a new State comes into the Union, its population is divided by the ratio of representation at the time, and the quotient indicates the number of Representatives to which it is entitled; but whatever its population may be, each State has at least one Representative.<sup>3</sup>

4. When vacancies happen in the representation from any State, the Executive Authority thereof shall issue writs of election to fill such vacancies.

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<sup>3</sup> Since 1910 Arizona and New Mexico were admitted, each with one Representative, making the total number of members in the lower house 435.



5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

The "Executive Authority" is the Governor of the State; he does not have authority to fill vacancies in the House, but merely to "issue writs of election," that is, to announce that an election will be held.

The office of the Speaker of the House of Representatives<sup>4</sup> is a very important one, because he need recognize no one to speak before the House whom he does not wish to recognize. Formerly he had the appointment of all committees, but that rule has been changed. Because of the abuse of the great power formerly vested in the Speaker, the scope of his authority has been greatly curtailed. The House now elects its Standing Committees.

### THE SENATE

[*Section 3.*—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years;]<sup>5</sup> and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; [and if vacancies happen, by resignation or

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<sup>4</sup> The presiding officer of the House is called the "Speaker," although he does very little speaking. He is the chairman of the House.

otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.]<sup>5</sup>

3. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be president of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

When Senators from a new State are admitted to the Senate, they are assigned by lot, one to each of the two classes having the least number. Thus it might happen at the outset that one Senator would hold his office only two years, and the other only four years. Both Senators from a State do not go out of office at the same time.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office and dis-

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<sup>5</sup> These provisions are now obsolete. See the Seventeenth Amendment.



qualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

The President, Vice-President, and other civil officers may be removed from office by impeachment.<sup>6</sup>

If a civil officer is thought to have committed treason, felony, or other high crime, the House appoints a committee to try the case before the Senate. This process is called impeachment. President Andrew Johnson was impeached in 1868, but lacked one vote of being convicted.<sup>7</sup>

#### ELECTION OF CONGRESSMEN

*Section 4.*—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

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<sup>6</sup> Both Senators and Representatives are Congressmen; but in general usage the word "Congressman" is applied only to members of the lower House. The first woman elected to Congress was Miss Jeannette Rankin, of Montana; she is called a "Congresswoman."

<sup>7</sup> When President Johnson was tried there was no Vice-President, and at that time the presidential succession was Vice-President, President *pro tem.* of the Senate, Speaker of the House. Senator Wade, of Ohio, was President *pro tem.* of the Senate. The propriety of his participating in the trial was questioned, as he would become President in case of a conviction. It was argued that his participation as a member of the court to decide the case would be a violation of the spirit and intent of the Constitution. But he insisted on his legal right as a member of the Senate, took part in the trial, and voted for conviction. One more vote would have convicted President Johnson, and Senator Wade would have become President.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Congress has fixed by law the time for electing Representatives. It is the first Tuesday after the first Monday in November of the even years.<sup>8</sup>

A Representative's term of office and salary begin on the fourth of March following the election. But unless a special session is called Representatives do not participate in the making of laws for thirteen months after they are elected. This is a weakness in our form of government; it operates as a check on the will of the people. A party may remain in power more than a year after it has been repudiated by the people. In Great Britain the government responds much more quickly to the people's will; when a new Parliament is elected the members enter at once upon their official duties.

Until recently, the time and manner in which the State Legislatures should elect United States Senators were prescribed in detail by a law of Congress, but that law is now void; the Seventeenth Amendment, adopted in 1913, provides for the election of Senators by popular vote.

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<sup>8</sup> When this law was passed, Congress exempted from its operation those States in which the date of the election was fixed by the State constitution. In forty-six States, the time is now uniform as above noted; but in Vermont the election is held on the first Tuesday in September, and in Maine on the second Monday of September.

**POWERS AND DUTIES COMMON TO BOTH HOUSES**

*Section 5.*—1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

The power of each House to decide who may be seated as members is absolute, and is sometimes exercised arbitrarily without any regard to facts, law or justice. A majority may and sometimes does decide contested cases in favor of the contestant who did not receive a majority of the votes in his State or district, and from their decision there is no appeal. A majority vote is all that is necessary to exclude a member, that is, to decide that he shall not be admitted.

If a member is expelled from either House, he may be re-elected and return to it.

The journal of Congress is called the Congressional Record. It contains the names of Representatives and Senators, the members of the standing committees, and the speeches and proceedings of the day. It is printed daily during the session of Congress.<sup>9</sup>

These are the several methods of voting which are followed in Congress:

- (a) *Viva voce* vote.
- (b) Division of the House, the members rising to vote.
- (c) Counting by tellers.
- (d) By *yeas* and *nays*, given on a call of the roll.

A call for the yeas and nays is sometimes made by members who desire to consume time in order to block some matter of legislation.<sup>10</sup> Delaying legislation by such methods is called "filibustering."

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<sup>9</sup> Not all the speeches printed in the Record are actually delivered. A weak, dull or tedious speaker may get "leave to print," or to "extend his remarks in the Record." This saves the other members the discomfort of being bored, and enables the member thus shut off to send his "speech" in printed form to the folks at home. See the dictionary for the derivation of the word buncombe.

<sup>10</sup> In some South American countries the vote by yeas and nays is taken by use of an electric appliance, each member merely touching a button on his desk. The apparatus records the votes on a wall tablet. The vote of the whole body can thus be taken almost instantaneously. The method will probably soon become universal in legislative bodies; it saves time and prevents one method of "filibustering." In 1917, an electric voting apparatus was installed in the Wisconsin Assembly chamber; by means of it a vote can be taken and recorded in less than one minute.

*Section 6.*—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

The clause providing that members may not be arrested except in the cases specified was intended as a safeguard against possible detention from the sessions on fictitious charges made for political purposes.

The pay of a Member of either House of Congress is \$7,500.00 per annum and mileage at the rate of 20 cents a mile each way, coming and going by the usually traveled route between his home and Washington, for every session. In addition to this pay, he receives \$125.00 per session for stationery, an office room in which to work, and \$1,200 a year for a Secretary. He has the "franking privilege," or free use of the mails for official business.

The Speaker and the President of the Senate receive each \$12,000 a year.

The various committees of Congress have special rooms for work, and are allowed to have clerks, whose salaries are paid by the Government.

### THE PASSING OF BILLS

*Section 7.*—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered: and, if approved by two-thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays: and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of



the United States, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Were it not for the provisions in Clause 3, a bill might be passed without the signature of the President, under the guise of a "resolution," "order," or "vote."

If the President receives a bill within less than ten days of adjournment, and does not return it; this is called a "pocket veto." The bill cannot become a law, and the President in order to defeat it does not have to assume the responsibility of vetoing it.

### NOTEWORTHY FACTS

When the Government of the United States was organized, in 1789, it owned a single Territory, which it inherited from the old Confederation. This Territory did not then belong to any State, but to the Federal Government. The old Federal Congress of the Confederation had passed, in 1787, an "Ordinance" for the Government of this vast tract, which was known as The Northwest Territory, or more formally as The Territory Northwest of the Ohio River. This region extended from Pennsylvania to the Mississippi, and from the Ohio to the British possessions.

This Ordinance was an important piece of legislation. It declared that the Government of the States to be made from this Territory should be republican in character;<sup>11</sup>

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<sup>11</sup> This was to prevent the establishment of a monarchy in any State.

that the people should have religious liberty, and that slavery should never exist in the Territory. In it is this famous clause relative to education: "*Religion, Morality and Knowledge being necessary to good Government and the happiness of mankind, schools and the means of education shall forever be encouraged.*"

Women have full voting rights in the following States: Wyoming, Colorado, Utah, Idaho, Washington, California, Arizona, Kansas, Oregon, Nevada and Montana.<sup>12</sup>

A Congress holds two regular sessions, a long one and a short one, and as many special sessions as the President may see fit to call. The long session begins in the odd year, and lasts usually until the next summer. The short session begins in December of the even year, and ends March 4th of the following year.

For the purpose of electing Representatives, the States that are entitled to more than one Representative are divided into Congressional Districts. Sometimes these districts are very curious in shape. The dominant party often divides the State into districts in such a way as to have as many of its own representatives elected as possible. This scheme of practical politics is called gerrymandering.

The Senate committees are decided upon in a caucus, or conference of the members of the controlling party, and are chosen by a vote of the Senate.

The Senate regards itself as the more dignified of the two Houses. In the House, the amount of time that a

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<sup>12</sup> In Illinois, Michigan, Nebraska, N. Dakota, Indiana, Ohio and Rhode Island, they have partial suffrage, sometimes called "presidential suffrage" because they may vote for presidential electors.



member can have for the discussion of a bill is usually very short, but in the Senate the time is usually unlimited. On several occasions this privilege of a Senator has been taken advantage of by members in the minority, to prevent a vote, by "talking a bill to death," a species of filibustering. Since there was formerly no limit of time to the speech of a Senator, the opponents of a bill could take up the time in talking, so as to leave no time to vote on the measure before adjournment.<sup>13</sup> But in 1917 a cloture rule was adopted by which it is now possible to shut off debate and thus prevent this form of filibustering.

If a State by growth in population becomes entitled to an additional Representative before the State Legislature has had an opportunity to re-district the State, or if the Legislature should fail to re-district the State, so as to make a new district for the additional member, such Representative is elected "at large." All the other Congressmen of the State are voted for, each by his own district; but the additional Congressman is chosen by a vote of the whole State.

In "passing," a bill usually runs through the following course:

(a) The bill is introduced into the House by a Representative. It is read by its title, and referred to the proper committee, who may report upon it favorably or

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<sup>13</sup> On May 29, 1908, Senator La Follette, of Wisconsin, began speaking against a currency bill, and continued speaking for nineteen hours. This was the longest speech ever made. He was relieved by Senator Stone, of Missouri, who spoke for about seven hours. Senator Gore, the blind Senator from Oklahoma, followed for an hour when, supposing that Stone was in the room, he yielded. No one being present to continue the filibuster, the fight was lost.

unfavorably, or not at all. No report is usually equivalent to "killing" the bill.

(b) If the bill is reported to the House favorably from the committee, sufficient copies of it are printed to supply all the members. It is read first by its title, then in full; after which it may be debated and amended. It is then engrossed, and read again, and then passed.

(c) It then goes to the Senate, for consideration; and, if passed by that body, comes back to the House to be enrolled. The bill is then signed by the Speaker and by the President of the Senate, and finally goes to the President.

The same process applies to bills that originate in the Senate. Any bill may originate in either branch of Congress, except bills for raising money; they must originate in the House of Representatives.

(d) If a bill is passed by one house and amendments are made in the other house, it is then referred to a Conference Committee made up of members from each house. If the Conference Committee agrees on any of the amendments, it is then reported back to the two houses and this finally amended form is usually passed by both houses.

The committee to which a bill is referred usually examines it very closely to get the wording carefully stated. Important bills contain many sections and sometimes they contain innocent looking provisions that nullify the force of what the lawmakers intend. Such a provision is called a "joker" and is usually inserted by designing persons to make the law ineffective.

Sometimes a wrong word or a misplaced punctuation mark may have this effect. In 1876 a tariff bill placed on

the free list fruit-trees and certain other articles; but instead of "fruit-trees and—" the bill read "fruit, trees and—." This substitution of a comma for a hyphen resulted in the refunding of many thousands of dollars to importers of oranges, apples, etc., before the error was corrected.

### QUESTIONS

1. Who established the Constitution? (See the Preamble, also Article VII.)

2. In whom is the legislative power of the United States vested?

3. Define "elector," as used in Article I, Section 2, Clause 1.

4. What are the qualifications of a voter in your State?

5. What change was made in Article I, Section 2, Clause 3, by the Fourteenth and Fifteenth Amendments?

6. Explain how the ratio of representation is fixed, and how the number of Representatives of a State can be determined.

7. Explain, by the aid of a blackboard outline, what gerrymandering is.

8. Tell why the Speaker of the House of Representatives is an important officer.

9. What might happen if a State should refuse to allow a certain class of its citizens to vote? (See the Fourteenth Amendment.)

10. How long is it after a Representative is elected before he takes his seat?

11. Contrast the methods of filling vacancies in the House and in the Senate. (There is a slight difference.)

12. Why would it be unwise to give Congress the power to fix the place of electing Senators?

13. Contrast the methods of electing Senators and Representatives.

14. Compare the qualifications requisite for Senators and Representatives as to age, citizenship, and inhabitancy.

15. In which House is there no rule of cloture?

16. What is meant by filibustering?

17. When are Representatives elected "at large"?

18. What is the number by which the present Congress is designated? <sup>14</sup> Was its last session the long one or the short one?

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<sup>14</sup> A Congress lasts for two years. All the Congresses have been numbered from the first "Congress of the United States," which met in 1789.

19. What is the difference between a bill and a law?
20. Outline the steps of an impeachment.
21. Under what circumstances may there be a controversy as to the election of a Representative? How is it decided? (See the Constitution as to who is the judge of membership.)
22. Define "quorum," "majority," "plurality."
23. Describe the different methods of voting in the House of Representatives.
24. Why is it proper that the Chief Justice should preside when the President is on trial of impeachment?
25. Why should a Congressman not hold any civil office under the government?
26. Describe the usual method of passing a bill.
27. In what way may a bill pass without the signature of the President?
28. What is the difference between the vote of the Speaker and that of the President of the Senate? Has the latter any vote on a bill? When? Is he a member of the Senate? <sup>15</sup>

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<sup>15</sup> When there is no Vice-President, the President of the Senate is a member of that body, and therefore he has a right to vote on any question and is not limited to casting the deciding vote in case of a tie.

**THE POWERS OF CONGRESS**

*Section 8.*—1. The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

Direct taxes are taxes on property according to its value.<sup>16</sup> Direct taxation is the method of taxation usually adopted by State, county, town, and city, for the raising of revenue. The Federal government is supported chiefly by indirect taxation.

Indirect taxes are those levied on the importation, manufacture, or sale of articles. The revenues of the United States amount to more than a billion dollars a year; this is collected from duties on goods imported into this country, from the internal revenue tax, or excises on the manufacture and sale of tobacco, spirits, and fermented liquors, and from taxes on incomes.<sup>17</sup>

The United States Government borrows money by issuing bonds, which are promissory notes, usually running many years, and bearing a low rate of interest.

3. To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

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<sup>16</sup> The poll tax and the income tax are also forms of direct taxation.

<sup>17</sup> Beginning with 1917 the expenses of the government will be vastly greater than a billion a year on account of the cost of the war with Germany.

Under the head of regulating commerce among the States, Congress has created an important Commission, which is called the Interstate Commerce Commission. It consists of seven members, appointed by the President and confirmed by the Senate. Its duty is to correct abuses which arise when railroads or other "common carriers" discriminate between various States or sections of the country. By charging higher freight rates to some patrons than to others, or by giving rebates to favored parties, great injustice has been done, and serious commercial results have followed.

Some of the things which this Commission may prevent are: The owning of coal land by railroads; rebating, that is, paying back to certain favored shippers a part of what they have paid for freight; combining to increase or maintain rates of freight or passenger fares. The Commission can also compel railroads to use safety appliances on their cars and to report accidents.

The constitutional authority for spending money from the Federal treasury for building light-houses, dredging rivers and harbors, building breakwaters, etc., is found in this clause empowering the Congress to regulate commerce.

A person not born in this country may become a citizen thereof in the following manner:

(a) He goes before the proper court, and declares his intention to become a citizen.<sup>18</sup>

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<sup>18</sup> The fee for naturalization is five dollars. By a recent change in the law the applicant must be able to write his own language and read and speak English. Only persons of the Caucasian or of the African race can become naturalized.



(a) At least two years after this declaration, and after at least five years' residence in the United States, and one year's residence in his State or Territory, he takes the second step, swearing in open court to support the Constitution of the United States, and renouncing allegiance to any foreign power.

The present national bankruptcy law was passed in 1898, and was amended in 1903. Under its provisions a debtor, having surrendered all his property to his creditors, is enabled to start in business again without fear of having what he may accumulate seized for a former debt.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

The paper money of the United States consists of national bank notes, gold and silver certificates, and treasury notes (called "greenbacks"). The coins are the gold double eagle (\$20), half eagle, and quarter eagle; the silver dollar, half dollar, quarter dollar and dime; the nickel five cents and the bronze one cent.<sup>19</sup>

The standard pound is the Troy pound, and its model is kept in the Philadelphia mint. The use of the metric system is permitted in the government departments, but it is not compulsory.<sup>20</sup>

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<sup>19</sup> The following pieces were once common, but are no longer coined: Gold dollar and three dollars; silver twenty cent, five cent and three cent pieces; nickel three cent and one cent, and copper two cent, one cent and half cent pieces.

<sup>20</sup> The metric system is used in the mint for measuring coins. Lay five nickels in a row, edge to edge, and with a meter stick measure the length of the row.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish postoffices and post roads;

8. To promote the progress of science and useful arts by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

The laws for the punishment of counterfeiting apply to the passing of counterfeit money as well as to the making of it.

The United States government does not usually build its own "post roads," but uses such means for transporting the mail as are in existence—stage routes, railways, and steamship lines. Any road over which mail is carried is a post road.

The following are some of the steps in the improvement of the postoffice: Postage-stamps, stamped envelopes, registered letters, money orders, free delivery, railway post-offices, special delivery, return cards, rural delivery, postal savings banks, and the parcel post. Nearly all of these are developments of the past half-century.

Patents are granted for seventeen years; copyrights, for twenty-eight years, with a possible renewal of twenty-eight years. In the United States, from 7,000 to 10,000 books are copyrighted annually. Patent number one million was granted in the year 1911.

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;



11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States; and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

The tribunals referred to in Clause 9 are treated in Article III.

For the United States, the Great Lakes and the ocean beyond a limit of three miles from low water mark are high seas.

In modern times declaration of war in the sense of a formal decision to wage war is very seldom made. "Strained relations" lead to hostile acts and then the nations concerned assume a state of war to exist.

If a private individual should desire to fit out a ship to prey upon a public enemy, he must obtain letters of marque and reprisal. Otherwise, if captured, he will be considered a pirate. This method of warfare is very seldom used in modern times, but is generally regarded with disfavor as merely a form of legalized piracy.<sup>21</sup>

The organized militia is a body of citizens enrolled for military training under the laws of a State. Unlike the regular soldiers of the standing army, the members of the militia receive only occasional training, and are not called into active service as soldiers unless upon some extraordinary occasion. Strictly the term militia as used in this clause includes all able bodied citizens from the age of eighteen to forty-five.

In time of war, troops are raised by

(a) The voluntary enlistment of regular soldiers and seamen.

(b) Enrolling the militia of the several States.

(c) Drafting. During the Civil War, there was first a call for volunteers and later a draft, both in the North and in the South.<sup>22</sup> In the war with Germany our gov-

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<sup>21</sup> Most of the great civilized nations except the United States have abolished privateering.

<sup>22</sup> Kentucky has the distinction of having furnished her full quota of men to both sides in the Civil War, and without a draft.

ernment did not call for volunteer regiments, but employed the draft at the outset. Aside from the regular army and navy and the state militia all the forces were raised in this way, and these were known as the National Army.

The District of Columbia is governed by Congress, through Commissioners, and the expenses of its local government are shared by the inhabitants and by the General government. Inhabitants of the District do not vote.

Clause 18 is sometimes called the flexible clause because it is of such general application; but it does not give Congress power "to make all laws which may be necessary and proper" except for a specified purpose. The authority of Congress is limited to "powers herein granted." See Article I, Section 1, also Article IX of Amendments. Even in this "flexible clause" the fact is evident that the Federal government is a government of delegated and limited powers.

## NOTEWORTHY FACTS

The bonded, interest-bearing debt of the United States is somewhat less than one billion dollars. The lowest interest on these bonds is two per cent, the highest four per cent. Some of these bonds have so many coupons attached to them that they are as large as an ordinary newspaper. A twenty-year bond paying quarterly interest has eighty coupons. If the face of the bond were \$1,000, and the rate three per cent, each coupon would be worth \$7.50. At the times when the interest becomes due the coupons are cut off and presented to the proper officer of the Treasury Department for payment.

Under high tariff laws, the users of some imported articles have had to pay both an *ad valorem* and a specific duty. Thus under the Payne-Aldrich tariff, which was in force until October 4, 1913, a certain grade of blankets had a duty of twenty cents a pound, and thirty per cent *ad valorem*. This meant that, on these blankets thus imported to the United States, twenty cents a pound, and also thirty per cent of the price charged for them in the country from which they were imported, was charged by our government for the privilege of bringing them into this country. The tariff is paid to the government by the importer; he gets it back by adding the amount to the price of the goods when he sells them; the retail merchant having thus paid more must sell at a price high enough to cover this amount plus enough to compensate for the use of the extra amount thus required to carry the goods in stock. Therefore the tax is finally paid by the person who uses the goods. Because the tariff tax is thus shifted or passed on from one person to another until it reaches the consumer it is called an indirect tax.

During the 50 years beginning with the Civil War tariff taxes were much higher than before that period.

A tariff law is usually known by the name of the member who introduces the bill in Congress. Sometimes the name of the President or of a Senator who advocates the measure is added to the popular designation of the law. Thus in President Taft's administration we had the Payne-Aldrich law. In President Wilson's administration there was enacted a much lower tariff—the lowest for half a century—known as the Underwood tariff. Here is a list of common articles, with the rates as fixed by these two<sup>1</sup> tariff laws:

ARTICLE	Payne-Aldrich.	Underwood.
Sugar .....	48½ %	Free
Bread .....	25 %	Free
Milk, gallon .....	2c	Free
Cream, gallon .....	5c	Free
Eggs, dozen .....	5c	Free
Butter, pound .....	6c	2½c
Oatmeal, pound .....	1c	1/3c
Flour, barrel .....	45c	Free
Cheese, pound .....	6c	2½c
Wheat, bushel .....	25c	Free
Potatoes, bushel .....	25c	Free
Cabbages .....	2c each	Free
Beets .....	25 %	5 %
Apples, peaches, quinces, cherries, plums, pears, green or ripe, bushel.....	25c	10c
Edible berries, quart.....	1c	½c
Lemons, limes, grape-fruit, oranges, lb....	1c	½c
Molasses .....	48½c	Free
Bread, wafers .....	20 %	Free
Buckwheat flour .....	25 %	Free
Buckwheat, bushel .....	15c	Free
Corn, bushel .....	15c	Free
Cornmeal, 100 pounds.....	40c	Free
Fish, fresh water, pound.....	¼c	Free
Salt fish, pound.....	½c	Free
Mackerel, salmon, pound.....	1c	Free
Lard, pound .....	1½c	Free
Fresh beef, veal, mutton, lamb, pork....	4c	Free
Prepared meats .....	25 %	Free
Rice, pound .....	2c	1c
Honey, gallon .....	20c	10c
Cranberries .....	25 %	10 %
Salt, 100 pounds.....	11c	Free
Cattle, each .....	\$3.75	Free
Sheep, each .....	75c & \$1	Free
Swine, each .....	\$1.50	Free
Poultry, pound .....	3c	1c
Raw wool .....	43.9 %	Free
Wool yarns .....	79.9 %	18.9 %
Wool blankets .....	72.9 %	30.9 %
Wool underwear .....	93.9 %	35.7 %
Wool clothing .....	79 %	35 %
Wool dress goods, for women and children.	99.7 %	35 %
Cotton clothing .....	50 %	30 %
Cotton table damask .....	40 %	25 %
Cotton collars and cuffs.....	64 %	30 %

ARTICLE	Payne-Aldrich.	Underwood.
Cotton stockings .....	75%	40%
Cotton underwear .....	60%	30%
Brooms .....	40%	15%
Coal, ton .....	45c	Free
Coke .....	20%	Free

An interesting decision was rendered by the Supreme Court in regard to the income tax which was passed by Congress in 1894. It was argued that when an income is derived from real estate, the tax becomes a tax on real estate, and is therefore a *direct* tax. At that time, any direct taxes for the Federal government were required by the Constitution to be apportioned among the States *according to their population*; on this ground the income tax was declared unconstitutional. The vote of the Supreme Court, however, was far from unanimous, standing five against the law to four for it. The Supreme Court has frequently reversed its own decisions, when the personnel of the Court has changed.<sup>23</sup>

The Federal income tax as first passed and in force until 1917 allowed an exemption of \$3,000 for a single person and \$4,000 for a married person. After these deductions were allowed there was a graduated rate running from one per cent to seven per cent, according to the amount of the income. But the exemption limit was lowered and the rate increased when the war with Germany began.

United States treasury notes (commonly known as

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<sup>23</sup> The power to declare a law void or unconstitutional is not given to any court by the Constitution. The Supreme Court has simply assumed this power, and until recently there was but little disposition to challenge or question the right of the Supreme Court to do this. No other country permits its courts to exercise so great a power, and there is now a strong movement among the people of this country to curb the power of the courts.



“greenbacks”), the silver dollar, and all the gold coins of the United States, are unlimited legal tender.<sup>24</sup> The subsidiary silver<sup>25</sup> coins are legal tender for \$10.00, and the nickel and bronze pieces for 25 cents.

*Some facts in regard to naturalization:*

1. Citizens of the United States are not necessarily voters in their respective States, nor are the voters in their respective States necessarily citizens of the United States.

2. “Wholesale” naturalization may occur when a new territory is annexed to the United States.

3. A woman not a citizen becomes a citizen by marrying a citizen, and a woman citizen loses her citizenship by marrying an alien. If he becomes naturalized, she regains her citizenship.

4. Persons not of the white or black races cannot be naturalized, but their children, if born in the United States and subject to their jurisdiction, are citizens thereof.

5. Single women twenty-one years of age may also become citizens in the same way as men do.<sup>26</sup>

6. When a man becomes a citizen, his minor children become citizens *de facto*.

7. A naturalized citizen loses his citizenship by going to reside permanently in a foreign country.

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<sup>24</sup> That is, they may be legally offered at full face value in payment of debts.

<sup>25</sup> Coins of denominations lower than one dollar.

<sup>26</sup> A woman of foreign birth may become a voter sooner than a man may. In most States only a year's residence or less is required for voting; hence a woman of foreign birth, who marries a citizen of the United States, can vote in any equal suffrage State as soon as she acquires a legal residence in the state, however short the required period may be.

## QUESTIONS AND EXERCISES

1. Define *direct* and *indirect tax*, *duty*, *impost*, and *excise*.
2. How does the United States government get its income, and from what sources?
3. Explain how the United States government borrows money.
4. Describe a government bond, and tell how many coupons a \$1,000 thirty-year, four per cent semi-annual interest bond has.
5. What is the difference between the way in which the United States government assesses direct and indirect taxes?
6. Name some articles which you use on which there is an indirect tax.
7. On what ground did the Supreme Court declare the income tax of 1894 unconstitutional?
8. What is the work, and what is the importance of the Interstate Commerce Commission?
9. Why should the Federal government deal with the Indians on the reservations, rather than leave this to the States?
10. Describe the general method of naturalization.
11. Persons of what races may become naturalized?
12. Name the different kinds of coin and paper money of the United States.
13. On certain silver coins you may find the letters *CC*, on others *O*, and on others *S*. Those not thus marked are made at the mint in Philadelphia. What do the letters mean?
14. Define *yard* and *pound*.
15. What is a patent, a copyright, a caveat?
16. Name some great improvements in our postal system since 1800.

## LIMITATIONS OF THE POWER OF CONGRESS

*Section 9.*—1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or *ex post facto* law, shall be passed.

[4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.]<sup>27</sup>

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties, in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

“Such persons” referred to the former slaves. The ten-dollar tax was never imposed. The “slave trade,” that is, the importation of slaves, was prohibited at the earliest date permitted by the Constitution.

If a person feels that he is unjustly imprisoned, he may apply to any court, either State or Federal, for a writ of habeas corpus<sup>28</sup> and if the writ is granted, he is taken before the proper court, and the legality of his de-

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<sup>27</sup> This section is now of no effect, having been annulled by the Sixteenth Amendment.

<sup>28</sup> Legal papers, or “writs,” were formerly written in Latin. They were many in number, and various in form. Gradually they came to have names. Each one was called by the Latin words with which it happened to begin. The writ which enables every person who is imprisoned to be taken before a judge, in order

tention is passed upon. This writ was intended to prevent unjust imprisonment. It has very seldom been suspended.

### LIMITATION OF THE POWERS OF STATES

*Section 10.*—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

An *ex post facto* law is a law the operation of which dates back to a time previous to its passage. The words literally mean "from after the deed." As applied to crimes, a law is *ex post facto* only when it increases the punishment of an offense, or when it makes an act criminal which was not so when committed.

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that he may demand that it shall be shown why he is imprisoned, is called the writ of habeas corpus because, in its Latin form, it chanced to begin with these words, which signify, literally, "You may have the body."

## QUESTIONS AND EXERCISES

1. When was the importation of slaves forbidden by Congress?
2. Tell of a possible case where the writ of *habeas corpus* would be applicable.
3. May an American citizen accept a title from a king?
4. What is a capitation tax? An indirect tax?
5. What might occur in the United States were it not for Clause 3 of Section 10?
6. What does it mean to "clear" or "enter" a port?
7. Read in your history about the "Boston Port Bill" and tell what relation you see between that and a certain clause in Section 9.
8. What objection would there be to the President's receiving a title from some foreign government?
9. Find that clause of the Constitution which limits Congress in the appropriation of money; which prohibits attainder for treason.
10. Find that clause of the Constitution which prohibits the States from maintaining a standing army.
11. Describe what would likely happen should the States individually engage in those things prohibited in Section 10.
12. If a man in a State which has capital punishment were sentenced to death, but before his execution the State should abolish the death penalty, would he be executed?
13. If your State has inspection laws in regard to butter, milk, oils, salt, or other articles, tell by whom the inspection is made, and where.
14. Discuss briefly the necessity for inspection laws.
15. Did you ever see inspection tickets on freight cars, or on articles of food that come from other States? How do these tickets read? If you have never seen any of them, go to a general store and look about you.
16. Is there any Constitutional bar against Michigan's taxing the importation of Minnesota lumber? Against Dakota's taxing Canadian wheat?
17. Suppose that a State has a law against the manufacture and sale of liquors; will this prevent persons of another State from shipping in liquor and selling it? Will there be any difference in selling it in unbroken packages or in bulk?
18. Could the United States pass a law preventing Massachusetts from exporting shoes?
19. Wisconsin levies a higher license for deer hunters upon non-residents than upon citizens of Wisconsin. What provision of the United State Constitution does this violate?
20. What is meant by bankruptcy?
21. Which one of the powers granted to Congress in Section 8 has never been exercised?

22. Does Congress have authority to pass a law to provide for the punishment of counterfeiting railroad tickets?

23. How does the establishment of the parcel post affect the express companies? Mail order department stores? Small merchants in country towns? The people generally?

24. What is the militia? By whom organized and governed?

25. Define piracy, felony, high seas.

26. What is the meaning of the words marque and reprisal?

27. There is a large city of the United States in which the people have no vote. Where is it?



## The Executive Power

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Article II, as changed by the Twelfth Amendment:

*Section 1.*—The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

3. The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the persons voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President; and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the

votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death, or other constitutional disability, of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

In most States the steps leading up to the election of the President of the United States are substantially as follows:

The voters of each party in each Congressional district elect delegates to a district convention. Each district convention selects two delegates to the National Convention. Then a State Convention is held, composed of delegates from each county, elected by the voters of the party; the State Convention selects four delegates-at-large to the National Convention of the party, by which candidates for President and Vice-President are nominated.

At the State Convention, Presidential Electors are nominated, one from each Congressional district and two at large.

The foregoing is known as the convention plan, and is still used in some States. The mode of procedure in the more progressive States is known as the direct primary plan. See index, under "Primary."

The District of Columbia, Alaska, Hawaii and Porto Rico also send delegates to the National Conventions, although their people have no vote at the Presidential election.<sup>29</sup>

At the election, each voter may vote for all the Presidential Electors on his party ticket. Thus we do not vote directly for President.

The general election occurs on the first Tuesday after the first Monday in November, and the Electors of the victorious party meet at the State capital on the second

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<sup>29</sup> In the Republican convention the Philippines are also represented. The Democratic convention excludes the Philippines on the ground that they are not a part of the United States, a view which is in accord with a decision of the Supreme Court.

Monday in January, and cast their votes. Two of the three lists of votes by the Electors are sent to the President of the United States Senate,<sup>30</sup> and the third is deposited with the United States District Court in the Judicial district in which the Electors meet. On the second Wednesday in February the lists are opened in the presence of both Houses of Congress, and the vote is announced.<sup>31</sup>

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for

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<sup>30</sup> One of these lists is sent by mail, and one is carried by a special messenger for greater security. Presidential Electors are paid by the various States, usually about three dollars a day and mileage. The one chosen as messenger is paid by the Federal government; he gets twenty cents a mile for the distance traveled.

<sup>31</sup> Note the language of the Constitution, "the votes shall then be counted." The writing of the verb in the passive voice, a grammatical form that does not designate the agent or doer of the action, led to a serious crisis in which we came dangerously near to a civil war. Read in your history of the famous Hayes-Tilden controversy of 1876-7.

which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

Congress has enacted that in case of the death, resignation, or disability of both the President and the Vice-President, the duties of the President shall devolve upon a member of the “Cabinet” until an election is held to fill the vacancy, but the officer on whom the presidential duties thus devolve does not become President.

The order of succession is as follows:

Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy, Secretary of the Interior.<sup>32</sup>

The salary of the President is \$75,000 *per annum*, with \$25,000 for traveling expenses; of the Vice-President, \$12,000. The President occupies the Executive Mansion, popularly known as the White House, which, together with the furniture, is provided at the expense of the Federal government.

The oath of office is usually administered to the President by the Chief Justice. The time is usually on In-

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<sup>32</sup> The succession follows the order in which the various Cabinet officers were created. The Departments of Agriculture and of Commerce and Labor were not in existence when this law was enacted. The meaningless but pronounceable word *St. Wapni*, made up of the initial letters of the departments, is a mnemonic key to the presidential succession.

auguration Day, March 4th, and the place the east front of the Capitol.

### QUESTIONS

1. Concerning the election of the President,
  - (a) Explain how the Presidential Electors in most States are nominated and elected.
  - (b) Where do these Electors meet, and how do they vote?
  - (c) When, where, and by whom are the votes of the Electors read?
2. In case of the death of both the President and the Vice-President, who would succeed to the office, and for how long a period?
3. When are the Presidential Electors voted for?
4. Explain why it sometimes happens that a presidential candidate may receive a majority of the electoral vote and not a majority of the popular vote.
5. State the salary of the President and that of the Vice-President.
6. Give the substance of the oath of the President. By whom is it usually administered?
7. State the qualifications required of the President as to age and citizenship.
8. When does the house of Representatives elect the President? On such occasion how does the house vote?
9. What is the meaning of the word emoluments? Is not the use of the White House an emolument?
10. Why are the two words swear and affirm both given in the President's oath?
11. Why is it assumed that in case of an election of President by the House there will be no deadlock or failure to elect a Vice-President by the Senate?
12. Show how it might be possible for a man to elect himself President by his own vote.
13. Alexander Hamilton was born in the West Indies; was he eligible to the office of President under the United States Constitution?



## DUTIES AND POWERS OF THE PRESIDENT

*Section 2.*—1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint Ambassadors, other public Ministers, and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session.

*Section 3.*—He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other

public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

*Section 4.*—The President, Vice-President, and all Civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

No President has actually commanded the armies in the field, though the Constitution gives him the power to do so.

The “Executive Departments” referred to are popularly called the President’s Cabinet, but the word “Cabinet” nowhere occurs in the Constitution.

Treaties are agreements between nations, and regulate matters that relate to the mutual surrendering of fugitives from justice, to boundaries, to war settlements, to commerce, etc.

Treaties are sometimes negotiated, that is, the terms agreed upon are drawn up in proper form by commissioners appointed for that purpose, but they are ratified by the Senate.

In the early years of the Federal government, all sessions of the Senate were held in secret; but now they are open to the public, except when treaties or presidential appointments are under consideration, that is, when the Senate is engaged in *executive* business. This has given rise to the popular error of calling any secret session of a legislature, council, board, club or other body an “executive session.” This is a wrong use of terms. Whether a session of any deliberative body is executive or not depends on the character of the work done, not on the fact that it may be held with closed doors.

Ambassadors and Ministers have usually the larger duties and responsibilities, while Consuls are sent to the various cities of foreign countries to look after the commercial and other interests of American citizens.

If the business to be transacted requires only that the Senate be in session, the President convenes the Senate only. In such sessions they can confirm or reject appointments made by the President, concur in or reject treaties and, in general, perform executive work; but when laws are to be enacted, both Houses are necessary. Within the past sixty years extraordinary sessions have been called in the administrations of Lincoln, Hayes, Cleveland, McKinley, Taft and Wilson.

### QUESTIONS

1. What is the difference between the regular army and the organized State militia?
2. What are the "written opinions" of the heads of the various Executive Departments called?
3. State the difference between a reprieve and a pardon.
4. What is a treaty? How is it made and confirmed?
5. Outline the President's scope of appointments.
6. What power has the President to convene and adjourn Congress?
7. What is a civil officer of the United States?
8. Define high crime, bribery, and treason.
9. To the head of which Department would you write if you desired information on any of the following points?
  - (a) The tax on distilled or fermented liquors?
  - (b) The rights of Americans in the Philippines?
  - (c) The wages of United States employes?
  - (d) Governmental seed distribution?
  - (e) The amount of unsold government land?
  - (f) Conditions of admission to the Naval Academy?
  - (g) The qualifications of railway mail clerks?
  - (h) The forest reserves?
  - (i) Information concerning postal savings banks?
10. Distinguish between an executive session and a secret session.

## NOTEWORTHY FACTS

It sometimes happens that the electoral vote of a State is divided. When a very unpopular Elector is nominated and the vote is close, if he "runs behind his ticket," he may be defeated. Thus, in 1892, California gave eight votes to Cleveland and one to Harrison.

In the Presidential contest of 1876, Samuel J. Tilden had 184 votes that were undisputed. Rutherford B. Hayes had 159 that were undisputed. It required 185 votes to elect. Owing to irregularities and contested returns, four States—Florida, Louisiana, Oregon and South Carolina—sent each two sets of lists as provided by the Twelfth Amendment, each purporting to be the correct and legal report. Each set of Electors in those States claimed to be legally elected, and had met and sent a list. The majority of the Senate was at that time Republican, of the House, Democratic.

Read carefully the Twelfth Amendment and see what a difficult situation existed. "The votes shall then be counted"—but by whom? *Which* list should be counted?

It was agreed to appoint an Electoral Commission, five from the Senate, three Republicans and two Democrats; five from the House, three Democrats and two Republicans; five from the Supreme Court, two Republicans, two Democrats, and one Independent, Judge David Davis. But before the Commission was appointed Davis was elected Senator from Illinois, and so was regarded ineligible. The position was filled by the appointment of Judge Bradley, a Republican. The Commission by a strict party vote of 8 to 7 declared Rutherford B. Hayes elected.

In the Republican National Convention which met at St. Louis in 1896, there were 906 votes, of which William McKinley received 661½. A half-vote is explained by the fact that a State may send both a regular and a "bolting" delegation. If a State entitled to 50 votes in the convention appears with 100 contesting delegates, and the Credentials Committee does not care to seat either one set or the other, each of the 100 delegates is given half a vote.

### GENERAL EXERCISES AND REVIEW QUESTIONS.

1. Name one thing which the House of Representatives can do that the Senate cannot do.
2. Name some power of the Senate that the House of Representatives does not have.
3. Name some power held in common by both houses.
4. What executive power has the Senate?
5. What legislative power has the President?
6. Name two things prohibited to the States.
7. Name two things prohibited to Congress.
8. What is the difference in meaning of the following words: minority, majority, plurality, quorum?
9. Tell what you can about the House of Representatives upon the following subjects:
  - (a) Composition.
  - (b) Election of members.
  - (c) Qualifications of members.
  - (d) General power of the House.
  - (e) Vacancies.
10. Upon the same subjects, tell what you can about the Senate.
11. Tell how the number of representatives is determined and what is now the ratio of representation.
12. Name the different kinds of taxes, and tell how the Federal government collects its revenues.
13. What is an alien? an Immigrant? How may an alien become a citizen?
14. Tell what you can about the President's "Cabinet."
15. What are treaties, and how are they made?
16. Explain the law of the Presidential succession.
17. Explain the controversy that attended the Presidential election of 1876.
18. Why was President Hayes sometimes referred to as President *de facto*?

19. Legal tender means lawful offer. If a person should owe you twenty dollars and should offer you in payment any of the following, which ones would you have a legal right to refuse? Twenty silver dollars; a gold nugget weighing a pound; national bank bills; gold coins; subsidiary silver coins; a hundred bushels of good wheat; U. S. Treasury notes ("greenbacks"); copper and nickel coins; a gold certificate; silver certificates.

20. How long does a patent run? A copyright?

21. Mention two methods of filibustering.

22. Name the States in which the women have the full right of voting.

23. What is a "pocket veto?"

24. What is a post road?

25. Distinguish between impeachment and conviction. In cases of impeachment what punishment may the Senate inflict?

26. What is a treaty? Distinguish between the negotiation and the ratification of a treaty.



## The Judicial Power

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ARTICLE III. *Section 1.*—The Judicial Power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation, which shall not be diminished during their continuance in office.

The Supreme Court of the United States is the highest court in the Federal government, and to it come those cases that are mentioned in this Article. The Supreme Court meets annually in Washington, and is composed of one Chief Justice and eight Associate Justices.

For convenience, the whole United States is divided into nine circuits and about ninety districts. For each district there is a District Judge, and for each circuit one or more Circuit Judges,<sup>33</sup> in addition to the Supreme Justices. Each Supreme Justice is required to hold court in the circuit to which he may be assigned, at least once in two years.

In some cases three or more States constitute a district, while some of the populous States are divided into several districts each.

Other courts have been organized by Congress, namely:

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<sup>33</sup> In 1911, the Circuit Courts were abolished, but the Circuit Judges are retained and sit in the Circuit Court of Appeals.

A Circuit Court of Appeals, which is next below the Supreme Court; it was established to relieve the Supreme Court of some of the work.

A Court of Claims, to assist Congress in the settlement of claims against the Government.

A District Court for the District of Columbia; and Territorial Courts for the Territories.

*Section 2.*—1. The Judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers, and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State,<sup>34</sup> between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting Ambassadors, other public Ministers, and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but, when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

<sup>34</sup> But see the Eleventh Amendment.

The power to hear a case appealed from a lower court is called appellate jurisdiction. The majority of cases tried in the Supreme Court have come up on appeal from lower courts. The original jurisdiction of the Supreme Court is confined to the two kinds of cases named in Clause II.

When a crime is committed out of the jurisdiction of the United States, the accused is tried in the district into which he is brought.

*Section 3.*—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

The punishment of treason is death, or a term of not less than five years in prison, \$5,000 fine, and disqualification for holding office under the United States. There have never been any convictions for treason against the United States. Aaron Burr was tried on a charge of treason but acquitted. John Brown was convicted of treason against the State of Virginia. In this country treason can be committed only by acts; there is no such thing as treasonable speech.

#### QUESTIONS

1. Give the names of the various courts of the United States, and tell two facts about the Supreme Court.
2. Give an illustration of appellate and of original jurisdiction.

3. May the salary of a judge of the Supreme Court be increased during his term of office? May a Congressman's?

4. Give a short account of the trial of Aaron Burr and of John Brown.

5. In what kind of cases does the Supreme Court have original jurisdiction?

6. Give five hypothetical cases that might arise under the laws of the United States under the following heads and state in which court the case would probably be tried: The Postoffice Department; the Great Lakes; John Doe, of New York, refuses to pay to Richard Roe, of San Francisco, for goods, bought; ambassadors; State boundaries; Indians; internal revenue.

7. Quote the section that prevents an individual from suing a state.<sup>35</sup> How, then, can an individual recover from a State?

8. What is the distinction between a civil and a criminal action?

9. What is meant by "corruption of blood" and "forfeiture"?

10. Where else could a crime be committed than within a state?

11. The Federal government imposes the death penalty for murder, but Wisconsin does not. What would be the punishment for murder committed on an Indian reservation within the boundaries of Wisconsin?

12. How does the provision regarding the salary of judges differ from that of other Federal officers and members of Congress?

13. What court is next lower than the Supreme Court, and why was it established?

14. What is treason against the United States? State the definition carefully. Treason and citizenship are the only two things that are defined in this constitution.

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<sup>35</sup> States may voluntarily permit any person to present a claim against them. The United States government also does this. A claim against the United States may be presented in the "Court of Claims."

# Miscellaneous Provisions

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## RECIPROCAL RELATIONS OF THE STATES

ARTICLE IV. *Section 1.*—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

*Section 2.*—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 1 is necessary; there would be confusion, for example, if marriage in one State should not be valid in other States.

A citizen going into another State can claim only the rights and privileges enjoyed by citizens of that State. A citizen of Illinois cannot lawfully claim that because he has the right to sell liquor in Illinois, therefore he has that right in Kansas.

A requisition is a request sent by the Governor of a State to the Governor of another State, to allow officers to remove a criminal who has taken refuge in the latter State. But the Governor may use his own discretion whether or not to deliver an accused person on the request of another Governor, and in many cases Governors have refused to do so. Although the Constitution says they shall, yet since it provides no penalty for refusing, this comes under the general principle that a law without a penalty is void. This is therefore one of the provisions of the Constitution that is of no force whatever. Undoubtedly Congress would have authority to enact a law to make this provision effective, but such a law is not likely ever to be passed, for experience has shown that cases frequently arise in which it is proper for a Governor to refuse to deliver up an accused person fleeing from another State.

As between foreign countries, a similar process is known as extradition, and is governed by the provisions of treaties.

Clause 3 of Section 2 is now obsolete; but around this Clause, as a center, gathered the storms of the later days of slavery. Congress tried to make this Clause effective by enacting the Fugitive Slave Laws, but the Northern States nullified it by passing Personal Liberty Laws, which granted the run-away slave a jury trial, and so strong was local public sentiment in those States that juries could not be found to decide in favor of the slave owner.

#### STATES AND TERRITORIES

*Section 3.*—1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any



other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

*Section 4.*—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature or of the Executive (when the Legislature cannot be convened), against domestic violence.

It would be practically impossible to make a new State out of parts of other States without changing Clause 1 of Section 3. Three legislative bodies would not agree on such a proposition.

The State of Texas may at any time be divided into not more than five States by the action of Texas alone, without the concurrence of Congress; this was provided for in the treaty of annexation by which the Republic of Texas joined the Union as the State of Texas.

As a war measure, West Virginia was made a State and admitted into the Union, its territory being taken from Virginia, with the consent of only that part of Virginia which was opposed to withdrawing from the Union.

In the time of the Revolutionary War, the matter of public lands was in a confused condition. Nearly all the States had claims running far into the West, and these claims sometimes overlapped one another. These claims

gave rise to many controversies, and almost led to war among the States; but, one by one, the States gave up their various claims, and all the country north of the Ohio to the British boundary became the property of the Federal government.

The General government has surveyed all the public lands of the United States. Certain Base Lines and Principal Meridians were established and townships were numbered with respect to these. Thus the Congressional township, six miles square, preceded even the pioneer, and determined to a great degree the boundaries of the political divisions of States.<sup>36</sup>

Although there is no express warrant for it in the Constitution, the government of the United States has greatly extended the sphere of its control, so that the citizen of today has to consider not only State and Territory, but subject peoples also. Our conquered subjects are not citizens.

The additions of territory have been as follows:

- (a) Louisiana, purchased from France in 1803.
- (b) Florida, acquired from Spain in 1819.
- (c) Texas, an independent republic, annexed in 1845.
- (d) California acquired from Mexico, by conquest in 1848.
- (e) Gadsden Purchase, acquired from Mexico in 1853.
- (f) Oregon, acquired by exploration and settlement in 1792, and confirmed by treaty in 1803 and 1846.

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<sup>36</sup> The public lands of Texas belong to that State, not to the Federal government, hence there is no United States government survey there.

- (g) Alaska, purchased from Russia in 1867.
- (h) Hawaii, an independent republic, annexed in 1898.
- (i) Guam, Porto Rico, and the Philippine Islands, acquired by war with Spain in 1898.
- (j) The Danish West Indies, or Virgin Islands, purchased from Denmark in 1917.

The government of a Territory (Hawaii) is vested in a Governor and other administrative officers appointed by the President of the United States, who also appoints the judicial officers,—and in a Legislature of two Houses elected by the people of the Territory.

The Territory is represented in the lower House of Congress by a Delegate, who may speak on various matters, but who has no right to vote.

The subject peoples are governed by Congress, but are permitted to have some voice in their local affairs.

In the Philippines, and in Porto Rico, the Legislature consists of two Houses; the Upper House appointed by the United States Government, and the Lower House elected by the people. Resident Commissioners, two from the Philippines and one from Porto Rico, occupy about the same position at Washington as the Delegate from a Territory. The Governor and other officers of Alaska are appointed by the President. The Samoan Islands and Guam are governed entirely by the naval officer in command at those stations. The Panama Canal Zone is governed by the President through the Isthmian Canal Commission. Some of our smaller island possessions have no government whatever.

Since 1902, Cuba has been an independent republic, under the protection of the United States to the extent that our Government may interfere to repress disorder.

During the railroad strike of 1894 President Cleveland sent Federal troops to Chicago without the request of the Governor of Illinois. His constitutional authority to do this was questioned, but his defense was that the movement of the United States mails and interstate commerce made it necessary.

ARTICLE V.—The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Of the two means of proposing Amendments, by Congress or by a Constitutional Convention, only the first has been employed.

The method of ratifying a proposed Amendment has always been by a vote of the Legislatures of three-fourths of the States.

In nearly every session of Congress, amendments on various subjects are proposed; but so difficult a matter is it to change the Constitution, that Amendments have seldom been made.<sup>37</sup>

The first and fourth clauses referred to in Article V relate to taxation on the importation of slaves, and to the slave trade.

ARTICLE VI.—1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

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<sup>37</sup> It required nineteen years to secure the adoption of the Sixteenth Amendment, and twenty-four years for the Seventeenth. Being so difficult to amend the constitution is a curb on the will of the people and sometimes an obstruction to progress. It is believed by many that an amendment should be added, making the constitution much more easily amended.

When a new government was created to succeed the old Confederation, in 1787, it would have been easy to repudiate the debts incurred during the preceding war; but the framers of the Constitution inserted Article VI, and thus promulgated the doctrine of public honesty.

ARTICLE VII.—The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Of the thirteen original States, Delaware was the first, and Rhode Island the last, to ratify the Constitution.

The salary of the Chief Justice of the Supreme Court is \$15,000; of the Associate Justices, \$14,500; of the Circuit Judges, \$7,000; of the District Judges, \$6,000.

Some small and trivial cases may come before the Supreme Court. For example, if a servant or attache of an Ambassador at Washington should refuse to pay a bill for groceries there is no other Court in which he could be sued.

If a crime is committed on Lake Michigan, the case may be tried in the proper court in Michigan, Illinois, Wisconsin, or Indiana. On Lake Michigan the States named have jurisdiction within their boundaries, which run through the lake.

The most populous State in the Union is New York, which contains more than 10,000,000 people; the least populous is Nevada, which contains about 108,000, yet each has two United States Senators. This anomalous situation grew out of the fear that without such a check large states might become too powerful in the Federal gov-



ernment. Its continuance is guaranteed by the only provision of the Constitution that cannot be amended except by unanimous action of the States.

### QUESTIONS

1. Illustrate by an example the meaning of Article IV, Section 2, Clause 1.

2. Define and illustrate extradition, writ, requisition.

3. What relations had Clause 3, Section 2, to the slavery controversy?

4. What restrictions does the Constitution impose on the admission of new States?

5. What is the distinction between a State and a Territory?

6. Give three of the most important additions to the territory of the United States since 1800.

7. How does the area of the territory added compare with that of the original thirteen States?

8. How is a Territory governed? The subject peoples?

9. Describe the two ways in which amendments to the Constitution may be proposed; the two methods of ratification of amendments.

10. What is the significance of the prohibition in Article V, concerning amendments?

11. What are the three classes of Supreme Law of the United States?

12. Who are required to take an oath to support the Constitution of the United States?

13. What do you understand by a citizen of the United States, a citizen of a State, a voter, a resident, an inhabitant?

14. The three departments of our government are said to be co-ordinate. What does the word co-ordinate mean?

15. If the Legislative, Executive and Judicial departments are co-ordinate, how can the Supreme Court declare a law of Congress void? Does the Constitution give the court this power?

16. In 1917, during the war with Germany, it was proposed in Congress to establish a permanent congressional committee to supervise war expenditures. President Wilson pointed out a serious objection to the proposed plan, and the bill was not passed. What objection do you see to such a committee?

## Amendments

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ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.—A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.—No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be de-

prived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury, shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.—The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

In 1793 a citizen of North Carolina brought suit in the Supreme Court against the State of Georgia. This

offended the several States, so that the Eleventh Amendment was made to the Constitution in order to make it plain that no citizen may sue a State in a Federal Court.

ARTICLE XII.—(See page 45.)

When the Constitution was adopted, there were many who feared a strong central Government; and it was on account of this fear that the first ten amendments were adopted, in 1791. They are sometimes called the Bill of Rights, and they protect the individual against possible abuses by the Federal government. In studying these amendments the student should keep in mind the fact that they are restrictions on the power of the Federal government only and not on the State governments. Thus, for example, there is nothing in these amendments to prohibit a State from establishing a religion, abridging the freedom of speech or of the press, or of assembly, or of petition; so far as these amendments are concerned a State might infringe the right to bear arms, issue warrants arbitrarily, try offenders without indictment by a grand jury, impose excessive fines, put an offender more than once in jeopardy of life or limb<sup>38</sup> for the same offense, inflict cruel punishment, etc. The *Federal* government is forbidden to do these things; it was assumed that the States would not do them because they have popular governments, but it was feared that the Federal government, being an appointive government, might; hence these amendments

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<sup>38</sup> The expression "jeopardy of life or limb" is suggestive of an interesting historic fact. As late as the latter part of the Eighteenth Century, the laws of most countries provided for the punishment of crime by maiming the body. Courts were authorized to decree such punishments as the pillory, branding, boring or slitting the ears, etc. In one state the whipping post is still used in punishing some crimes.

were adopted as a safeguard against possible abuses by the Federal government.

If a person is suspected of having committed an infamous crime against the United States, the proper judge summons a grand jury<sup>39</sup> consisting of twenty-three men. They listen to the evidence presented; and, if at least twelve of the jury think that the evidence is strong enough to warrant an arrest, the person suspected is held for trial in the proper court. It will be noticed that a grand jury does not pronounce on the guilt of the accused, but merely on the question whether there is or is not evidence sufficient to warrant his being held for trial.

Articles IX and X were added as an additional safeguard against possible encroachment by the Federal government on the rights of the States, or the people.

ARTICLE XIII.—1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.—1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States,

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<sup>39</sup> In ancient days in England, there were, as now, two juries; a large jury to determine whether or not there should be a trial for an alleged offense, and a small jury (never more than twelve members) to hear the case, if there should be a trial, and to render a judgment (verdict) upon it.

The business of the courts was long conducted in the French language, after the Norman (French) Conquest of 1066, and thus French designations of the juries came into use. The French adjectives *grand* (meaning *large*) and *petit* (meaning *small* and pronounced *petty*) are used to describe the two juries to this day.



and of the State wherein they reside.<sup>40</sup> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State, who, having pre-

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<sup>40</sup> This definition of citizenship is very specific, and it would seem impossible to make any provision of a written constitution more definite; but this also is one of the dead portions of the constitution. It has been nullified by the logic of historic events and no longer holds true. Since 1898 our Federal government has assumed imperial functions, holding conquered possessions and subject peoples. It is difficult in a brief statement to say who are citizens of the United States. The following covers the ground fairly well:

All persons born within the continental territorial limits of the United States, except those born in buildings occupied by consuls or ambassadors of foreign governments, and whose par-



viously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive or Judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection and rebellion, shall not be questioned.

But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

ARTICLE XV.—1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation.

The Thirteenth Amendment became effective in 1865; the Fourteenth, in 1868; and the Fifteenth, in 1870.

Suppose that the male citizens of all classes in a State should number 100,000, and that the laws were so enforced

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ents are such foreign officials, also persons who are naturalized in the United States are citizens thereof; and the minor children of aliens, born abroad, become citizens of the United States on attaining their majority provided that their parents have been theretofore naturalized and that said children become residents of this country during their minority.

against the voting of Negroes that they would be disfranchised; then if the male Negro population was 50,000, Congress might reduce that State's representation in Congress by one-half. The same rule would apply in the case of a State that should restrict the right to vote by an educational qualification or a property qualification. (See the Fourteenth Amendment.)

In many of the Southern States Negroes do not exercise their full rights of suffrage; and in recent years bills have been proposed to reduce the representation of such States. But the majority in Congress, while acknowledging the presence of injustice in the franchise in the South, recognize, too, the menace of a large and ignorant Negro vote, and so prefer that the matter be slowly worked out by the Southern States, according to their own conditions. Some of the States have circumvented or nullified the provisions relating to suffrage by passing election laws so worded that they exclude ignorant Negroes from voting, but may allow ignorant white men to vote.

By the Fourteenth Amendment, States became liable to lose representation if they deprived the Negro or the illiterate, or the impecunious man of his vote. By the Fifteenth Amendment they are specifically prohibited from restricting the suffrage on the basis of race, color or previous condition of servitude.

Congress has, by the necessary two-thirds vote, removed all disabilities incurred under Section 3.

ARTICLE XVI.—The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII.—The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

This Amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

#### WAR POWERS

When the nation is at war, the Federal government exercises vastly greater powers than in times of peace. Our civil rights are then subordinate to the needs of the government in prosecuting the war. Even the freedom of speech and of the press may be curtailed in war time; the right of habeas corpus may be suspended; persons under suspicion of hostility to the government may be deported, imprisoned or interned in detention camps. Aliens resident in this country but subject to an enemy government are closely watched and sometimes subjected to annoyance or even hardship. In extreme cases martial law may be proclaimed, and then the civil government is temporarily of no force or effect, for military regulations prevail. Food or any other property may be commandeered, that is, seized for government use. The production and the price of food and other necessities may be subject to government control.

The reason for exercising war powers is that public necessity requires it. When the life of the nation is at stake constitutional restrictions are lightly regarded, and the constitution may be broken in order to save it. It is not possible to provide in advance by constitutions and civil laws for the unusual conditions that the government must contend with while waging war. Intelligent and loyal citizens understand this, and endure without complaint in time of war many things which would not be permitted in time of peace.

### QUESTIONS

1. What was the difference in time of adoption between the first amendments and the others?
2. May a State have a State Church or an established religion?
3. Before a Federal officer searches a house, what writ must he possess?
4. Describe the procedure of a grand jury.
5. Give an outline of the protection thrown about a person who has been arrested by the Federal government.
6. Do the restrictions in the first ten Amendments apply to State governments?
7. What is the significance of Articles IX and X?
8. What specific things are aimed at in the Thirteenth, Fourteenth and Fifteenth Amendments?
9. Suppose that a State should pass a law prohibiting citizens of Italian birth from voting, would it be constitutional?
10. The State of Illinois has a law which infringes and restricts the right of the people to bear arms; in Wisconsin people are tried for infamous crimes without indictment or presentment by a grand jury; in Delaware some offenders are whipped at the whipping post. Read the Second and Fifth Amendments and explain these facts.
11. State the two ways of proposing amendments, and the two ways of ratifying them.
12. What amendments have been ratified by the States since 1910?
13. How many of the original States were required to ratify the Constitution, in order that it might go into effect among those States?

14. By what authority did a President send troops to quell disorder in a city, when the Governor of the State had not requested it?

15. What provision of the Federal constitution can not be amended?

16. Among the causes of the Revolutionary War you learned about "Writs of Assistance"; what were they? Which one of the Amendments safeguards the people against such writs if issued by the Federal government?

17. May soldiers be quartered in a house without the consent of the owner? (Something more than "yes" or "no" is required to answer this question right.)

18. When is the President elected by the House, and how do the members vote when electing a President?

19. What presidents were elected by the House?

20. Write a list of the things that Congress is forbidden to do but which States may do. To make the list complete a study of the first ten amendments is necessary.

21. Write a list of the things that a State is forbidden to do but which Congress may do.

22. Write a list of the things that neither Congress nor a State may do.

23. Is the drafting of men for a National Army and sending them to foreign lands for service contrary to the Constitution?

24. What were some of the extraordinary powers given to the President by Congress during our war with Germany?

# Civil Government of Wisconsin

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## THE SCHOOL DISTRICT

You live in a School District, the people of which pay taxes to support the school in which you are taught.

Except in cities, the people of the District meet every year, in July, and elect a Clerk, a Treasurer or a Director, who constitute the school board; they hire the teachers and take care of the schoolhouse.

The School District is the smallest unit of government with which you are connected; but because you go to school, it is likely that it seems more real and important to you than the larger units with which you will become better acquainted as you grow older.

## THE TOWN

When the General government caused the great Northwest to be surveyed, it divided the land into squares, having each, as nearly as possible, six miles on a side. These divisions are called townships.<sup>41</sup> A row of townships along a north-and-south line is called a range. A township may be designated as follows: "Township Seven north, Range Four east," which means that it is the seventh township north of the base line and the fourth east of the principal meridian.

For Wisconsin, the base line is the southern boundary of the State, and the principal meridian runs north from

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<sup>41</sup> Specifically, they are called Congressional Townships, to distinguish them from the corporations known as townships in some States.



the mouth of the Illinois river to Lake Superior. The township is thus seen to be a geographical unit, while a town,<sup>42</sup> which is a political unit, may include one or more townships, or less than a township. Townships are numbered. Towns bear names, such as Wauwatosa, Algoma, Granton, etc. The town government is almost a pure democracy; for all the voters may meet once a year and elect their officers, and vote money for such things as are deemed necessary and for which the State law permits public money to be used.

The Town officers are:

1. A Clerk, who keeps the records of the Town.
2. Three Supervisors, who look after town matters in general, and one of whom, the chairman, represents the people in the next higher and larger government unit, which is the County.
3. A Treasurer, who collects the taxes and pays them out under the proper orders.
4. A Town Assessor, who records in a book the value of each man's property. People pay part of their taxes in proportion to their property.
5. Town constables, not more than three, who arrest those who break the law; and
6. Two Justices of the Peace, who try those who are brought before them for violating the law, also civil cases involving claims not exceeding two hundred dollars.
7. An Overseer of Highways for each road district.

#### THE COUNTY

The next higher political unit is the County, which varies in size from Ozaukee, the smallest, 226 square miles,

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<sup>42</sup> These correspond to the divisions known in many of the States as Civil Townships.

to Marathon, the largest, 1532 square miles. If you should go to a county seat, you would likely have pointed out to you the county buildings, usually the court-house and jail. In the court-house the county officers have rooms in which they transact the business of the county.

In the courtroom the Circuit Judge might be trying a case, and if you should wish to find out something about the finances of your school district, you would go to the County Clerk. The Register of Deeds has large books in which all deeds and mortgages are recorded, also a list of the marriages, births and deaths.

Near to or in the court-house will be found the jail, in which the Sheriff confines those who have been tried and sentenced to imprisonment, also those who are awaiting trial, unless they have given bail.

The County Treasurer keeps the money of the county and pays it out on proper warrants.

The Coroner investigates cases of accidental death when there is suspicion of murder or of criminal negligence.

The District Attorney is the legal adviser of the county officers, and he prosecutes offenders against the law.

There is also a County Surveyor, whose work is indicated by the title of his office.

The County Superintendent of Schools is elected for two years at the election in April.

#### **THE BOARD OF SUPERVISORS**

The important governing board of the County is the Board of Supervisors, which meets annually in November; it consists of the chairmen of the Town Supervisors, and also Supervisors from the villages and wards in cities.

In general it may be said that whatever is to be done in and for the county is authorized or directed by the County Board. They erect buildings and large bridges, determine the salary of county officers and levy taxes. Supervisors are paid \$3.00 per day while in session, and six cents mileage.<sup>43</sup> Their term of office is one year, except in the larger cities, where they hold for two years.

### CITIES AND VILLAGES

When there are at least three hundred inhabitants in an area of one-half square mile, they may organize a village. When the population of a village increases to 1,500, the people may vote to become a city. Cities having more than 150,000 population are of the first class; those that have more than 40,000, but less than 150,000, are of the second-class; from 10,000 to 40,000, of the third-class; and less than 10,000, of the fourth-class.

The Legislature has passed many special laws relative to the various classes of cities, especially the one city of the first class; in general, all cities and villages have legislative, judicial, and executive powers.

The law-making power of the village is vested in the village board, composed of the President and usually six trustees. In the city the power is vested in a Common Council composed of Aldermen, and the Mayor.

The judicial power of a village or city is vested in justice, police, and special municipal courts.

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<sup>43</sup> In Milwaukee County the salary is \$1,200 a year for members, \$1,500 for the chairman.

The executive officer of the village is the President; of the city, the Mayor. Acting under the direction of these executive officers, or under the laws of the village or city, are the Village Marshal and Constable, and the city policemen. In most cities, various Boards and Commissioners are also necessary to the administering of the law; among such are the Board of Public Works, Board of Education,<sup>44</sup> Board of Health and Tax Commissioner.

Any city, except Milwaukee, may adopt what is known as the Commission form of government. Three Commissioners are elected, one every second year for a term of six years. One of these is designated as Mayor; these three Commissioners are given large legislative and administrative powers, corresponding to the powers of Aldermen and heads of various Boards under the old plan. In cities of 10,000 and over they must devote their whole time to their official duties; they receive salaries ranging from \$5,000 in the larger cities down to \$400 in the smallest. The Commissioners select a City Clerk, a Corporation Counsel, a Comptroller, a Treasurer, a Superintendent of Streets, an Assessor and other officers.

Although the law authorizing this form of government has been in force only a few years, several cities have voted to change to the new plan. The Commissioners are subject to the recall on petition of voters; direct legislation by the voters, on initiative petition, is also provided for in the Commission plan. Without these safeguards it would be unwise to entrust a few men chosen for long terms with the great powers that are given to the Commissioners.

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<sup>44</sup> In Milwaukee this board is called the Board of School Directors.

## QUESTIONS

(These questions should be answered after interviewing)  
parents or school officers.)

1. About how many people are there in your school district?
2. How many children are there who "draw school money?"
3. How much school money did your district receive last year?
4. About how much did it cost to conduct your school last year?
5. What was the number of pupils enrolled, and what was the average attendance?
6. On the basis of the average daily attendance, what did it cost per pupil to conduct the school?
7. How far is it across your school district by the usual road?
8. Who of the children have farthest to travel to reach the school? Who the shortest distance?
9. How many months must the school be conducted in order to draw State money?
10. Under what circumstances may a rural school draw an extra amount from the State fund?
11. Give the names of the men who are your school officers, Clerk, Treasurer, Director.
12. Do women vote at the Annual School Meeting?
13. What is the name of the town in which you live?
14. What is the number of the Township in which you live?
15. What is the size of the Town, and how is it bounded?
16. When is the Town meeting held? Who presides over it, and for what purposes are taxes usually voted at this meeting?
17. Are women allowed to vote at Town Meetings?
18. Where is the county seat of your county and what officers of the town go there to represent the town?
19. Is there a good reason why your county seat is located where it is?
20. What are the duties of the Town Treasurer? Who is the Treasurer of the town in which you live?
21. What is meant by a pure democracy?
22. Show on a map the location of the base line and of the principal meridian from which Wisconsin is surveyed.

# THE STATE

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## THE LAW-MAKING POWER

The legislative power of Wisconsin is vested in an Assembly of one hundred members, and a Senate of thirty-three members.

## ELECTION AND COMPENSATION OF MEMBERS

The maps which are given in the Blue Book show the size and population of the Assembly and Senate districts. The Legislature meets biennially at Madison, the capital, on the second Wednesday in January, and usually continues in session for four or five months. The salary of Legislators is \$500 for each regular session; and when the session is prolonged, it will be noticed that the compensation per day is small. Since there is much business to be done, much of the work must be done by committees appointed by the presiding officer.

## PASSING BILLS

The draft of a proposed law is called a *bill*. When a member proposes a bill, it is usually referred to the proper committee; and, if they report favorably on it, the two Houses in turn vote on it. If it passes both Houses and the Governor signs it, it becomes a law. If he disapproves it, he sends it back to the House in which it originated, with his reasons for not signing it. This is called a veto. But if each House then gives a two-thirds majority for it, it becomes a law without the Governor's signature.



**QUESTIONS OF LOCAL INTEREST**

1. What is the name of your county seat, and who is your representative on the board of supervisors?

2. Suppose that a county agricultural school is to be built; who determines how much taxes are to be raised?

3. What is the title of the officer who has charge of the county money?

4. Who has charge of the jail? What is an under-sheriff? A deputy?

5. In whom is the legislative power of the town vested?

6. What county officer have you seen? Name one of his duties.

7. What authority determines the amount of his salary?

8. What is a fee? What officer is paid by fees?

9. Why is one officer paid by salary and another by fees?

10. How large is your county, and how many men constitute its board of supervisors?

11. Write to your county clerk, and ask him for a copy of the last report of the board. Give one fact that you learn from studying this report.

12. Give the names of the three largest cities or villages in your county.

**QUESTIONS ON THE LEGISLATURE**

(Article IV, Constitution of Wisconsin.)

1. What is the least number of Legislators allowed by the Constitution?

2. In dividing the State into Legislative districts, what lines are followed?

3. How many Senators are elected at a time, and from which districts?

4. What are the qualifications of Legislators?

5. What prohibitions are there on the Legislature as to expelling a member, and as to adjournment?

6. By whom are special sessions of the Legislature called?

7. What prohibitions are there on Legislators as to civil offices and offices under the United States?

8. How are Legislative vacancies filled?

9. What privileges have members of the Legislature?

10. In what name are the laws of Wisconsin passed?

11. Members of the Legislature and State officers are prohibited from using railroad passes in Wisconsin. Why?

12. What prohibitions are there against Legislators as to stationery, printing, or other perquisites?

13. What is the substance of the oath of office?

14. In elections by the Legislature, what is the manner of voting?

**THE LAW-ENFORCING POWER**

In so great a State as Wisconsin the enforcement of law is a very complex affair. At the head of the many officers and boards required for the purpose, is the Governor or Chief Executive. He receives a salary of \$5,000, and must be a citizen of the United States, and a qualified elector of the State. The Governor maintains peace and order throughout the State, and appoints many officers and boards to assist him in enforcing the laws.

Closely related to the Chief Executive are the administrative officers, Secretary of State, Treasurer, and Attorney General, also elected by the people for a term of two years. The Secretary of State supervises all fiscal matters, and publishes from time to time full accounts of the finances. The Treasurer takes charge of all money in the treasury, and pays it out according to law. The Attorney General represents the State in lawsuits in which the State is a party, and gives legal advice to State officers and legislators. In addition to the executive and administrative officers above mentioned, the people elect a State Superintendent of Public Instruction whose term is four years; he receives the same salary as the Governor. An Insurance Commissioner is appointed by the Governor.

**THE JUDICIAL POWER**

In every town, village and city, except Milwaukee, there are courts called Justice Courts, before which persons are brought when charged with minor criminal acts, or when the amount in a lawsuit is not more than two hundred dollars.

A criminal act is an act of crime, which violates the law of a State.

A civil case is a suit at law brought by one person against another, either for the recovery of damages or the establishment of a right.

In each county there is a County Court with one County Judge (except in Milwaukee County, where there are two). The County Court is not a criminal court; it has jurisdiction over matters pertaining to wills, the settlement of estates, guardianship and commitment for insanity. In some States such a court is called the Probate Court, or the Orphans' Court.

The State is divided into twenty Judicial Circuits, over each of which presides a Circuit Judge, elected for a term of six years.<sup>45</sup>

The Circuit Court meets semi-annually, and has jurisdiction in civil and criminal cases of greater importance than those begun in Justice Courts.

The State Supreme Court is composed of seven Justices, elected for ten years, and meets at the capital.

When a suit is begun in a court, the court is said to have *original* jurisdiction in the case; and when it hears a case appealed from a lower court, it is said to have *appellate* jurisdiction in that case.

The higher courts, both State and Federal, devote most of their time to the hearing and determining of appealed cases.

In cities and villages there are Police Courts, where offenses against the ordinances or city laws are tried; and also Municipal Courts, which have jurisdiction in civil and

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<sup>45</sup> In the Second Judicial Circuit (Milwaukee County) there are six Circuit Judges.

criminal cases, such as would ordinarily come before the Circuit Court.

The jury summoned to try a case in the Justice or Circuit Court is called a *petit jury*, and consists usually of twelve men; the unanimous verdict of the jury is necessary to convict the person on trial.

Certain persons are exempt from service on a *petit jury*, among whom are United States, State and county officers, railroad employes, telegraph operators, ministers, teachers, lawyers, and, in general, persons whose work is such that it would not be good public policy to have them absent from it.

The procedure in a criminal case before the Circuit Court is somewhat as follows:

1. A sworn complaint before a Justice of the Peace.
2. The issuing of a warrant for arrest.
3. The arrest.
4. The offering of bail (if the offense is bailable).
5. Pleading "guilty" or "not guilty" of the offense charged.
6. The trial, with or without a jury.
7. The verdict.
8. Judgment.
9. Perhaps an appeal, if the case is appealable.

### QUESTIONS

(To be answered after reading Articles V and VI of the State Constitution.)

1. When would the Lieutenant-Governor become Governor? What other duty has he?
2. What are the legal qualifications of Governor and Lieutenant-Governor?
3. Give three duties enumerated in Article V, Section 4.

4. What is the power of the Governor relative to pardons and reprieves?

5. Who would be Chief Executive in case of the death or disability of both Governor and Lieutenant-Governor?

### QUESTIONS

(To be answered after reading Article VII.)

1. When the Governor is impeached, who conducts the trial, and where is he tried? [Read Section I very carefully. The second line is printed correctly; ask your teacher to explain how the error probably arose.]

2. Give in order the various courts of the State.

3. Name two writs that the Supreme Court is authorized to issue. What is the nature of each writ?

4. How is the Chief Justice chosen?

5. Who determines the Judicial Circuits, and under what limitation?

6. Who fills vacancies in the Supreme and Circuit Courts?

7. What prohibition is there on Supreme and Circuit Judges?

8. By what authority are Judges removed?

9. Give a reason of your own to explain why there are no laws relative to Article VII, Section 16.

10. In what form are all writs prepared?

### QUESTIONS

(To be answered after using the dictionary, asking some older person, or recalling what you have read, seen, or heard.)

1. Think of some trial at law. Before what judge or justice did it come? Where? Who was the plaintiff? Who the defendant? Was it a criminal or a civil trial? How many men constituted the jury? What was the outcome of the trial?

2. When, where, how, by whom, and why are the following done?

a. The voting of money to support the district school?

b. Recording the transfers of property?

c. Impeaching the Governor?

d. Establishing a county training school?

e. Altering the boundary of State judicial districts?

f. Changing the name of a town?

g. The expulsion of a Senator of the United States?

h. The passage of a bill in the State Assembly?

i. The payment of tax on the sale of cigars?

j. The apportionment of the State and county tax among towns, cities, and villages?

k. The filling of vacancies in office of Justice of the State Supreme Court, State Senator, United States Representative, County Superintendent?

- l. The licensing of peddlers?
- m. Paying the tuition of rural pupils in free high schools?
- n. The payment of license for selling liquor?

### TAXATION

In so great a State as Wisconsin, many things must be done for the public good. Roads must be laid out, buildings erected, schools supported, fire and police departments organized and equipped, and officers paid. All these things cost money, and this money comes from the people. In the State there is expended for public use about \$27,000,000 annually; so that if every man, woman and child paid an equal amount, each would pay about eleven dollars a year. But many pay little or nothing, so that some pay many times eleven dollars. Most of the taxes in Wisconsin are direct taxes, based on the amount of land and buildings which one owns, and the amount of his income.

Let us first consider how the State assesses each man's property; for taxes cannot be apportioned until the relative values of county, town, city, and individual property are determined.

1. Each year, soon after May 1, the Town or City Assessor starts out to write in his book the value of farms and houses, herds, flocks, and other forms of wealth which the State taxes. When he has done this, he turns the book over to the Supervisors,<sup>46</sup> and they look it over and correct any mistakes. Sometimes people feel that their assessment is too high; and they can come before the Supervisors to

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<sup>46</sup> In the larger cities the plan is somewhat different as explained in another chapter.



ask that their assessments be lowered. For this purpose the Supervisors are called a "Board of Review."

2. The chairmen of the Supervisors of all the towns and cities now go to the county seat, and this Board of Supervisors look over the assessed value of all the towns and cities, and correct any errors that they discover. When the Board does this, it is called "The County Board of Equalization."

3. Then the reports of all the counties are sent to the State capital, where the members of the State Tax Commission equalize the assessments among the counties, and correct any errors that may appear. This finishes the State assessment, and the Secretary of State can now apportion the State tax properly.

4. In 1911 the Legislature passed an income tax law, which applies to corporations and individuals. This tax is assessed by assessors appointed by the State Tax Commission, the State being divided into districts for this purpose, and the following is the schedule of rates on individual incomes:

The first \$800 of income is not taxed, and in case of a husband and wife this exemption is \$1,200. Also for each child under eighteen years of age, and for each person dependent on the taxpayer for support, there is an additional exemption of \$200.

After these deductions are allowed the rate is:

On the first \$1,000 or part thereof, 1%, on the second,  $1\frac{1}{4}\%$ ; third,  $1\frac{1}{2}\%$ ; fourth,  $1\frac{3}{4}\%$ ; fifth, 2%; on each succeeding thousand dollars, or part thereof, a constant increase of one-half of one per cent up to the twelfth thousand, on which it is  $5\frac{1}{2}\%$ . On the excess above twelve thousand it is 6%.

In each county there is appointed by the State Tax Commission a County Board of Review to hear complaints and correct errors.

Of the amount derived from the income tax ten per cent goes to the State, twenty per cent to the county and seventy per cent to the town, city or village.

### THE VARIOUS TAXES TO BE RAISED

1. The Legislature determines how much money is necessary for State expenses. Let us suppose that \$3,000,000 is decided upon. The Secretary of State knows how much taxable wealth each county has and he reports to a county, that we will call Rich County, that has one-thirtieth of the wealth of the State, that it must raise for the State, one-thirtieth of the State tax, or \$100,000.

2. But Rich County has expenses of its own, and so there is a county tax to be added, which, let us suppose, is equal to the State tax; and this raises the total for Rich County to \$200,000. The County Clerk knows how much property the various towns and cities have, and reports to the town of Rockland, which has one-twentieth of the wealth of the county, that it must raise one-twentieth of the county and State taxes, or \$10,000.

3. But the town of Rockland has expenses of its own; and then, too, the district school costs something, so there is another tax to be added to the \$10,000, which, let us say, is \$2,000. The Town Clerk knows the value of each man's taxable property, and he reports to Mr. John Doe, who owns taxable property to one-thirtieth of the value of all the taxable property in the town, that he must pay one-thirtieth of all the \$12,000 tax, or \$400; and this \$400 Mr.

John Doe pays, usually in January, to the proper Town Treasurer. Then John Doe's money is divided among the Town Treasurer, the County Treasurer, and the State Treasurer, each one taking from it the share that belongs to the proper political unit for which it is levied.

### NOTEWORTHY FACTS

1. Many things are exempted from taxation, such as: all United States, State, county, town, city, village, and school district property; the property of religious, scientific, literary, benevolent, and agricultural societies; cemeteries; armories and fire companies; also many kinds of personal property belonging to individuals, amounting to several hundred dollars in value. United States bonds, also treasury notes or "greenbacks" are exempt from taxation.

2. Railroads, street car lines, telegraph and telephone companies, and insurance companies are not assessed by the Assessor as is the owner of a house and lot, but they pay to the State what is known as a license fee, which is supposed to be an amount equal to what they would pay if their saving capacity were in the form of other property.

3. Many kinds of activity and business pay a license fee. Hunters, peddlers, and showmen pay licenses. But the largest license tax is paid by liquor dealers. In towns and small villages the annual fee is \$100, but the people may vote to make it as high as \$500. In larger villages and cities the annual fee is \$200, but the people may vote to make it as high as \$1,000. These taxes go to the town, city or village in which they are raised.

4. There is also a tax on incomes above \$800.

5. More and more it is the practice of the State to derive revenue for its support from licenses and corporation taxes, leaving county, town, and city to obtain their support from taxes on real estate and personal property. There is also a disposition in favor of exempting or taxing very lightly all improvements such as houses and factories, thus shifting the taxes to land values only.

6. Many voters believe that the tax on very large incomes should be much larger, running on a graduated scale so high that the rate on the excess above half a million a year would be nearly or quite one hundred per cent. They argue that a half million a year means an accumulation of ten millions; that no one can get possession of that sum unless he has some legal privilege; that one who enjoys protection, advantage or privilege from government which enables him to become so wealthy, ought to be willing to pay the government for such privilege all he gets above half a million a year.

### QUESTIONS

(Those questions marked \* can be answered by reading Article VIII of the State Constitution.)

1. The United States Constitution prohibits an individual from suing a State in a Federal court. Suppose that you had a claim of money against Wisconsin. How would you proceed to collect it?

\*2. To what amount of indebtedness is the State of Wisconsin limited?

\*3. How long can the debt run?

\*4. What restrictions does the Constitution place on the levying of a tax?

5. Find out from some taxpayer the amount of his school tax, and compare it with the amount of his other taxes.

6. In a certain year the assessed valuation of the State was approximately \$2,500,000,000, and the aggregate of State, county,

and local taxes, \$26,000,000. How much would a man pay whose property was assessed at \$1,000?

9. If you were to free from taxation some things now taxed, where would you begin? Why?

10. How much State income tax does a married man pay in Wisconsin, whose income is \$55,000 a year? Answer, \$2,863.

11. Find the amount of income tax paid by an unmarried man living in Wisconsin, whose income is \$5,000 a year. A married man with three minor children, income \$2,000.

12. If a young man should start at age 21 with an income of \$25 a day above expenses, work 300 days per year, and save it all, at what age would he be a millionaire?

13. Give some arguments for and against an income tax.

\*14. Would the Legislature have constitutional authority to levy all the State tax on land values only, and exempt from taxation all other forms of property? See Section 1, Article VIII.

\*15. Does the constitution permit the Legislature to levy a tax for the purpose of building a railroad? A canal? A bridge? Could the Legislature borrow money for such purposes?

16. In questions 10 and 11 find the total amount of income tax, both State and Federal that each would pay. A list of rates and exemptions can be obtained by calling on or addressing the U. S. revenue collector for your district.

### SUFFRAGE AND ELECTIONS

In general, a man or woman to be permitted to vote must be at least twenty-one years of age, must have resided in the State one year next preceding the election, and in the election district 10 days, and must be a citizen of the United States.<sup>47</sup> There are some restrictions as to the manner, time, and place of voting, so that it is difficult to cheat, or to influence a voter unduly.

Generally, the vote is taken by depositing ballots in a box, but in some parts of the State the voting machine is

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<sup>47</sup> In some states voters do not have to be citizens of the United States, foreigners being allowed to vote who have declared their intention to become citizens. This was true in Wisconsin up to 1912.



used. The voter indicates his choice by pulling little levers and a mechanical apparatus makes the record.

The courts have decided that the arrangement or grouping of the names of candidates on a voting machine is a "ballot" within the constitutional meaning of the word.

Women do not have the full right of voting; they have only the school suffrage. To extend the right of suffrage does not require a Constitutional amendment, but only an act of the Legislature, ratified by a referendum vote of the people at the next general election. Find the clause of the Constitution which prescribes the method of extending the franchise.<sup>48</sup>

#### THE PARTY SYSTEM IN WISCONSIN

1. The "September primary election" is held on the first Tuesday in September, in all the voting precincts of the State. This determines who shall be the candidates on the general ticket at the November election. At the primary election, each voter votes for one "party-committeeman," and in each precinct the one who receives the highest vote becomes the party-committeeman for the term of two years.

2. The men thus chosen constitute the County Party Committee.

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<sup>48</sup> The primary meaning of "franchise" is a right; the secondary meaning is a special privilege. In a democracy voting is a right, but in other forms of government it is a special privilege granted to certain individuals by the government or the ruling class, that is, by an organization apart from the people and above them.



3. The County Committee elects a Congressional Committee, composed usually of two representatives from each county in the district, and the Senate and Assembly committees, composed of two members from each district.

4. The party is now organized, and the various committees attend to the conduct of the campaign in the various towns, villages, and cities.

5. On the third Tuesday in September the nominees for State offices, together with those State Senators whose term of office does not expire in the ensuing January, meet at the Capital and make out the State platform for the party; this is a declaration of principles, pointing out what the party "stands for" or proposes to do if its candidates are elected.<sup>49</sup>

6. On the first Tuesday in April, of the Presidential year, an election is held at which each party elects four Delegates-at-Large and two from each Congressional district, who go to represent their party at the National Convention, at which the Presidential candidate is to be nominated.

7. It should be understood also that no one can be a candidate in any primary election who does not secure upon his nominating papers the names of from one to three per cent of the voters of his precinct.

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<sup>49</sup> The successful party does not always fulfill the pledges made before election; the platforms and the campaign speakers "point with pride" to the party's achievements and "view with alarm" what the other party has done or proposes to do; but this is not taken seriously except by ignorant people. Intelligent voters have a sense of humor.

8. After the election, each candidate must make a sworn statement of the amount of money which he spent in the campaign, and the purposes for which it was used. The amount which each may spend is fixed by law; this is called the corrupt practices act and is intended to prevent the improper use of money to secure an election.

### PUBLIC EDUCATION

In the Ordinance of 1787 are written these words: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." And following out this noble sentiment, Wisconsin has always maintained a wise and generous policy for the support of various kinds of schools.

At the foundation of the system are the district schools, supported partly by a State tax, and partly by local taxes on the property in the district. Eight months' school must be held in order to entitle the district to a share of the "State money," and every child between the ages of seven and fourteen years must be in regular attendance. Schools that maintain a certain standard of equipment in addition to the ordinary furnishings, including a proper system of ventilation, are called schools of the first class and receive an extra fifty dollars a year of State money.

Then comes the free high schools, which are also supported jointly by State and local taxes.<sup>50</sup> These schools offer, usually, four-year courses, and give young people

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<sup>50</sup> The independent high schools are supported locally without state aid. Twelve of the largest in the state are of this class.

many opportunities for a secondary education. There are many large and beautiful high school buildings in Wisconsin, with every kind of modern convenience, bath rooms, gymnasiums, laboratories for manual training and the domestic arts, and commercial departments in which young men and women are fitted for many lines of practical business.

There are also various special schools, county training schools for teachers, county agricultural schools, where agriculture and domestic science are taught, city manual-training schools, trade schools and vocational schools.

Nine State Normal Schools are maintained for the training of teachers, besides Stout Institute, a school for training teachers of the manual arts. County Training Schools for the training of teachers are maintained in more than one-third of the counties. They are supported partly by the County and partly by the State.

Lastly comes the State University, with its colleges of letters, applied science, law, pharmacy, medicine, and agriculture.

One who desires an education has usually an opportunity to get it. An education costs money; but many students, by the exercise of economy and by doing various kinds of labor, manage to work their way through high school and college. This class of students usually furnishes the highest types of manhood and womanhood.

#### PRACTICAL AND REVIEW QUESTIONS

1. Do you know of any citizens of the United States, twenty-one years old, who cannot vote for President of the United States?

2. Name the most important office in the School District, Town, County, and State, and tell why you think the office important.

3. What do you understand by a "primary ballot"?

4. Find out from some citizen how county officers were nominated previous to 1900, and compare the manner with the way in which this is now done. Which seems the better way, and why?

5. Find out also how voting was done previous to 1890, and compare the manner with the present plan. Which seems to be better, and why?

6. In towns and cities there is sometimes drawn on the walk on either side of the voting place a broad chalk line. What is it for?

7. Give your reasons for or against women's voting at all the elections.

8. How does a person vote who does not know how to read?

9. Suppose that you desired to be a candidate for State Senator in your district. How would you go about it to secure the nomination and election?

10. Quote the sentence in the ordinance of 1787 relative to "religion, morality, and knowledge."

11. Where should a young person go from the country who wishes to prepare to practice medicine? engineering? farming? mercantile affairs? teaching?

12. How may the Constitution of the State be amended?

13. Who appoints the Postmaster in your locality? Are all Postmasters appointed by the same person?

14. What ways are there of sending money to New York? To Paris?

15. What are the classes of mail matter, and what is the rate of postage for each?

16. What is a Postal Savings Bank? Is there one in your county?

17. What is a Senatorial district? An Assembly district? A Congressional district?

18. Who builds and repairs the roads of your community?

19. What State officer comes into close touch with the farmer? With the manufacturer?

20. Of what use to Wisconsin are the following: The Bureau of Labor? the Railroad Commission? the Dairy and Food Commission? the Tax Commission? the Board of Forestry? the Board of Agriculture? the State Board of Health?

**THE BOARD OF CONTROL**

This is a State board which has the oversight and control of certain reformatory, charitable and penal institutions, among which are

The State Penitentiary, at Waupun.

Hospitals for the Insane, at Oshkosh and at Madison.

The School for the Blind, at Janesville.

The School for the Deaf, at Delavan.

The School for the Feeble-Minded, at Chippewa Falls.

The Home for Dependent Children, at Sparta.

The Industrial School for Boys, at Waukesha.

The State Reformatory, at Green Bay.

The Industrial School for Girls, at Milwaukee.

These institutions are supported by the State. The Veterans' Home at Waupaca, a home for disabled soldiers and their wives, is supported jointly by the State and the Federal government.

**THE BLUE BOOK**

Every school in Wisconsin is entitled to a free copy of the Blue Book. All that is necessary to get it is for the Clerk of the School Board to write to the Superintendent of Public Property at Madison, requesting a copy for the school. This is one of the most useful reference books that a school can have. Here are some of the subjects presented:

Declaration of Independence,

Constitution of the United States,

Constitution of Wisconsin,

Census Statistics,  
The Industries of Wisconsin, with Diagrams.  
Election Statistics,  
State Finances,  
List of Wisconsin Newspapers,  
List of Postoffices,  
Grand Army Data,  
U. S. Government,  
Territorial and State Governments,  
Political Parties and Platforms,  
Biographical Sketches of public men.

In statistical matters pertaining either to the Federal or to the State government, the Blue Book is a great storehouse of information.

Besides the executive and administrative officers provided for by the Constitution, the Legislature has established many Commissions, Boards and Agents. There are about fifty of these boards, with hundreds of officers and employes. A list of them is given in the Blue Book. The fact that these are all appointive positions puts a large amount of patronage in the hands of the Governor.

#### SEARCH QUESTIONS

(Answers to the questions marked with a \* can be found in the Blue Book of 1913. But from subsequent editions much interesting historic matter has been omitted.)

1. How many Chief Justices of the United States Supreme Court have there been?
2. When will the next election of a United States Senator occur in Wisconsin?
3. Who is now the senior United States Senator from Wisconsin?
4. How many State Normal Schools are in Wisconsin, and where are they located?



\*5. Who designed the new capitol at Madison, and how much did it cost?

\*6. A noted Wisconsin leader commanded Wisconsin men who fought against George Washington in two wars. Who was he?

\*7. What Wisconsin legislator was shot and killed in the legislative chamber?

8. Who is the State Senator and who the Assemblyman from your district, and what do you find about their personal history?

\*9. Five presidents of the United States were of Irish ancestry, three of Scotch, and two of Dutch. Who were they?

10. How many newspapers are published in your county?

11. What parties in their platforms declared in favor of the initiative, referendum and recall?

\*12. What can you tell about the Black Hawk war?

\*13. When was the first telegram received in Milwaukee? When and where was the first railroad train run in Wisconsin?

\*14. Who was the first Wisconsin volunteer killed in the Civil War?

\*15. What United States Senator from Wisconsin was asked to resign, and why? ?

\*16. Eleven presidents did not have a majority of the popular votes? Who were they?

\*17. What governor of Wisconsin was drowned in the Tennessee river?

\*18. When did the first steamboat ascend the Mississippi?

\*19. What was the "Bennett Law"?

20. What is the population to the square mile of your county?

\*21. Badgers do not abound in Wisconsin and never did; why, then, is Wisconsin called the "Badger State"?

22. What was the population of your township, village or city in 1910? How much did it increase or decrease in the previous decade?

\*23. The names of some counties have been changed. Dallas, La Pointe, New. Shawanaw, Bad Ax and Gates are former names of counties in Wisconsin. What are their present names?

# Constitution of Wisconsin

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[The omissions indicated by stars are matters of detail of slight interest to the young student. The full text may be found in the Blue Book.]

## PREAMBLE.

We, the people of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility and promote the general welfare, do establish this Constitution.

## ARTICLE 1.

### DECLARATION OF RIGHTS.

SECTION 1. All men are born equally free and independent, and have certain inherent rights; among these are life, liberty, and the pursuit of happiness; to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SECTION 2. There should be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

SECTION 3. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions, or indictments for libel, the truth may be given in evidence and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SECTION 4. The right of the people peaceably to assemble, to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

SECTION 5. The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

SECTION 6. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments be inflicted.

SECTION 7. In all criminal prosecutions, the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf; and in prosecutions by indictment, or information, to a speedy public trial by an impartial jury of the county or district wherein the offense shall have been committed; which county or district shall have been previously ascertained by law.

SECTION 8. No person shall be held to answer for a criminal offense without due process of law, and no person, for the same offense, shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require it.

SECTION 9. Every person is entitled to a certain remedy in the laws, for all injuries, or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

SECTION 10. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SECTION 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath, or affirmation and particularly describing the place to be searched, and the persons or things to be seized.

SECTION 12. No bill of attainder, ex-post facto law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

SECTION 13. The property of no person shall be taken for public use, without just compensation therefor.

SECTION 14. All lands within the State are declared to be allodial, and feudal tenures are prohibited.—Leases and grants of agricultural land for a longer term than fifteen years, in which

rent, or service of any kind shall be reserved, and all fines and like restraints upon alienation, reserved in any grant of land, hereafter made, are declared to be void.

SECTION 15. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment, or descent of property.

SECTION 16. No person shall be imprisoned for debt, arising out of, or founded on a contract, expressed or implied.

SECTION 17. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure, or sale for the payment of any debt, or liability hereafter contracted.

SECTION 18. The right of every man to worship Almighty God, according to the dictates of his own conscience, shall never be infringed; nor shall any man be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishments, or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious, or theological seminaries.

SECTION 19. No religious test shall ever be required as a qualification for any public trust under the State, and no person shall be rendered incompetent to give evidence in any court of law, or equity, in consequence of his opinions on the subject of religion.

SECTION 20. The military shall be in strict subordination to the civil power.

SECTION 21. Writs of error shall never be prohibited by law.

SECTION 22. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

## ARTICLE II.

### BOUNDARIES.

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## ARTICLE III.

### SUFFRAGE.

SECTION 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes who shall have resided within the State for one year next preceding any

election, and in the election district where he offers to vote, such time as may be prescribed by the Legislature, not exceeding thirty days, shall be deemed a qualified elector at such election.

1. Citizens of the United States.

2. Persons of foreign birth who, prior to the first day of December, A. D. 1908, shall have declared their intentions to become citizens conformable to the laws of the United States on the subject of naturalization; provided that the rights hereby granted to such persons shall cease on the first day of December A. D. 1912.

3. Persons of Indian blood who have once been declared by law of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding.

4. Civilized persons of Indian descent not members of any tribe; provided, that the legislature may at any time extend by law the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election and approved by a majority of all the votes cast at such election; and provided further, that in incorporated cities and villages, the legislature may provide for the registration of electors and prescribe proper rules and regulations therefor.

SECTION 2. No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, or felony be qualified to vote at any election, unless restored to civil rights.

SECTION 3. All votes shall be given by ballot, except for such township officers as may by law be directed or allowed to be otherwise chosen.

SECTION 4. No person shall be deemed to have lost his residence in this State, by reason of his absence on business of the United States, or of this State.

SECTION 5. No soldier, seaman, or marine in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed within the same.

SECTION 6. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, or larceny, or of any infamous crime, and depriving every person who shall make, or become directly, or indirectly interested in any bet or wager depending upon the result of any election, from the right to vote at such election.

## ARTICLE IV.

### LEGISLATIVE.

SECTION 1. The legislative power shall be vested in a Senate and Assembly.

SECTION 2. The number of the members of the Assembly shall never be less than fifty-four, nor more than one hundred. The



Senate shall consist of a number not more than one-third, nor less than one-fourth of the number of the members of the Assembly.

SECTION 3. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year one thousand eight hundred and fifty-five and at the end of every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States the legislature shall apportion and district anew the members of the Senate and Assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States Army and Navy.

SECTION 4. The members of the Assembly shall be chosen biennially, by single districts on the Tuesday succeeding the first Monday of November after the adoption of this amendment by the qualified electors of the several districts; such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory, and be in as compact form as practicable.

SECTION 5. The Senators shall be elected by single districts of convenient contiguous territory, at the same time and in the same manner as members of the Assembly are required to be chosen, and no assembly district shall be divided in the formation of a senate district. The senate district shall be numbered in the regular series and the Senators shall be chosen alternately from the odd and even-numbered districts. The Senators elected, or holding over at the time of the adoption of this amendment, shall continue in office till their successors are duly elected and qualified, and after the adoption of this amendment, all Senators shall be chosen for the term of four years.

SECTION 6. No person shall be eligible to the Legislature, who shall not have resided one year within the State, and be a qualified voter in the district which he may be chosen to represent.

SECTION 7. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties as each house may provide.

SECTION 8. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause.

SECTION 9. Each house shall choose its own officers and the Senate shall choose a temporary president, when the Lieutenant-Governor shall not attend as president, or shall act as Governor.



SECTION 10. Each house shall keep a journal of its proceedings and publish the same except such parts as require secrecy. The doors of each house shall be kept open except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days.

SECTION 11. The legislature shall meet at the seat of government at such time as shall be provided by law, once in two years and no oftener, unless convened by the Governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.

SECTION 12. No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

SECTION 13. No person being a member of Congress, or holding any military or civil office under the United States, shall be eligible to a seat in the Legislature, and if any person shall after his election as a member of the Legislature, be elected to Congress, or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

SECTION 14. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

SECTION 15. Members of the Legislature shall in all cases, except treason, felony and breach of the peace, be privileged from arrest; nor shall they be subject to any civil process during the session of the Legislature nor for fifteen days next before the commencement and after the termination of each session.

SECTION 16. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

SECTION 17. The style of the laws of the State shall be "The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:" and no law shall be enacted except by bill.

SECTION 18. No private or local bill which may be passed by the Legislature shall embrace more than one subject, and that shall be expressed in the title.

SECTION 19. Any bill may originate in either house of the Legislature, and a bill passed by one house may be amended by the other.

SECTION 20. The yeas and nays of the members of either house, on any question shall, at the request of one-sixth of those present, be entered on the journal.

SECTION 21. Each member of the Legislature shall receive for his services, for and during a regular session, the sum of five hundred dollars, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature on the most usual route. In case of an extra session of the Legislature, no additional compensation shall be allowed to any member thereof, either directly or indirectly, except for mileage, to be computed at the same rate as for a regular session. No stationery, newspapers, postage or other perquisite, except the salary and mileage above provided, shall be received from the state by any member of the Legislature for his services, or in any other manner as such member.

SECTION 22. The Legislature may confer upon the boards of supervisors of the several counties of the State, such powers of a local, legislative and administrative character as they shall from time to time prescribe.

SECTION 23. The Legislature shall establish but one system of town and county government which shall be as nearly uniform as practicable.

SECTION 24. The Legislature shall never authorize any lottery, or grant any divorce.

SECTION 25. The Legislature shall provide by law, that all stationery required for the use of the State, and all printing authorized and required by them to be done for their use, or for the State, shall be let by contract to the lowest bidder, but the Legislature may establish a maximum price; no member of the Legislature or other State officer, shall be interested, either directly or indirectly, in any such contract.

SECTION 26. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased, or diminished, during his term of office.

SECTION 27. The Legislature shall direct by law in what manner and in what courts, suits may be brought against the State.

SECTION 28. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall before they enter upon the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States, and the Constitution of the State of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability.

SECTION 29. The Legislature shall determine what persons shall constitute the militia of the State, and may provide for organizing and disciplining the same in such manner as shall be prescribed by law.

SECTION 30. In all elections to be made by the Legislature, the members thereof shall vote viva voce, and their votes shall be entered on the journal.

SECTION 31. The Legislature is prohibited from enacting any special or private laws in the following cases: 1st. For changing the name of persons or constituting one person the heir-at-law of another. 2d. For laying out, opening or altering highways, except in cases of State roads extending into more than one county, and military roads to aid in the construction of which lands may be granted by Congress. 3d. For authorizing persons to keep ferries across streams, at points wholly within this state. 4th. For authorizing the sale or mortgage of real or personal property of minors or others under disability. 5th. For locating or changing any county seat. 6th. For assessment or collection of taxes or for extending the time for collection thereof. 7th. For granting corporate powers or privileges, except to cities. 8th. For authorizing the apportionment of any part of the school fund. 9th. For incorporating any city, town or village, or to amend the charter thereof.

SECTION 32. The Legislature shall provide general laws for the transaction of any business that may be prohibited by section thirty-one of this article, and all such laws shall be uniform in their operations throughout the State.

## ARTICLE V.

### EXECUTIVE.

SECTION 1. The Executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant Governor shall be elected at the same time, and for the same term.

SECTION 2. No person except a citizen of the United States and a qualified elector of the State shall be eligible to the office of Governor, or Lieutenant Governor.

SECTION 3. The Governor and Lieutenant Governor shall be elected by the qualified electors of the State at the times and places of choosing members of the Legislature. The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or Lieutenant Governor, the two houses of the Legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the persons so having an equal and the highest number of votes for Governor, or Lieutenant Governor. The returns of election for Governor and Lieutenant Governor shall be made in such manner as shall be provided by law.

SECTION 4. The Governor shall be Commander-in-Chief of the Military and Naval forces of the State. He shall have power to convene the Legislature on extraordinary occasions, and in case of invasion, or danger from the prevalence of contagious disease at the seat of government, he may convene them at any other suitable place within the State. He shall communicate with the Legislature, at every session, the condition of the State; and recommend such matters to them for their consideration as he may deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws be faithfully executed.

SECTION 5. The Governor shall receive, during his continuance in office, an annual compensation of five thousand dollars which shall be in full for all traveling or other expenses incident to his duties.

SECTION 6. The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Under conviction for treason, he shall have the power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon or commute the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, with his reasons for granting the same.

SECTION 7. In case of the impeachment of the Governor, or his removal from office, death, inability from mental or physical disease, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall have returned, or the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of War, at the head of the Military force thereof, he shall continue Commander-in-Chief of the Military force of the State.

SECTION 8. The Lieutenant Governor shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy in the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or from mental, or physical dis-



ease become incapable of performing the duties of his office, or be absent from the State, the Secretary of State shall act as Governor, until the vacancy shall be filled, or the disability shall cease.

SECTION 9. The Lieutenant Governor shall receive, during his continuance in office, an annual compensation of one thousand dollars.

SECTION 10. Every bill which shall have passed the Legislature shall, before it becomes a law, be presented to the Governor; if he approves, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law. But in all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

## ARTICLE VI.

### ADMINISTRATION.

SECTION 1. There shall be chosen by the qualified electors of the State, at the times and places of choosing the members of the Legislature, a Secretary of State, Treasurer and Attorney General, who shall severally hold their offices for the term of two years.

SECTION 2. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive department of the State, and shall, when required, lay the same and all matters relative thereto, before either branch of the Legislature. He shall be ex-officio Auditor and shall perform such other duties as shall be assigned him by law. He shall receive as a compensation for his services yearly such sum as shall be provided by law, and shall keep his office at the seat of government.

SECTION 3. The powers, duties and compensation of the Treasurer and Attorney General shall be prescribed by law.

SECTION 4. Sheriffs, coroners, registers of deeds, district attorneys, and all other county officers except judicial officers, shall be chosen by the electors of the respective counties, once in every two years. Sheriffs shall hold no other office, and be ineligible for two years next succeeding the termination of their offices; they

may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant; but the county shall never be made responsible for the acts of the Sheriff. The Governor may remove any officer in this section mentioned, giving to such a copy of the charges against him and an opportunity of being heard in his defense. All vacancies shall be filled by appointment; and the person appointed to fill a vacancy shall hold only for the unexpired portion of the term to which he shall be appointed and until his successor shall be elected and qualified.

## ARTICLE VII.

### JUDICIARY.

SECTION 1. The court for the trial of impeachments shall be composed of the Senate. The House of Representatives shall have the power of impeaching all civil officers of this State, for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment against the Governor, the Lieutenant Governor shall not act as a member of the court. No judicial officer shall exercise his office, after he shall have been impeached, until his acquittal. Before the trial of an impeachment, the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold any office of honor, profit or trust under the State; but the party impeached shall be liable to indictment, trial and punishment according to law.

SECTION 2. The judicial power of this State, both as to matters of law and equity, shall be vested in a Supreme court, Circuit courts, Courts of Probate and in Justices of the Peace. The Legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts, and shall have power to establish inferior courts in the several counties, with limited civil and criminal jurisdiction. Provided, that the jurisdiction which may be vested in municipal courts, shall not exceed, in their respective municipalities, that of circuit courts in their respective circuits, as prescribed in this Constitution; And that the Legislature shall provide as well for the election of Judges of the Municipal courts, as of the Judges of inferior courts, by the qualified electors of the respective jurisdictions. The term of office of the judges of the said Municipal and inferior courts shall not be longer than that of the Judges of the Circuit Court.

SECTION 3. The Supreme Court, except in cases otherwise provided in this Constitution, shall have appellate jurisdiction only,



which shall be co-extensive with the State; but in no case removed to the Supreme Court shall a trial by jury be allowed. The Supreme Court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas-corpus, mandamus, injunction, quo warranto, certiorari, and other original and remedial writs, and to hear and determine the same.

SECTION 4. The chief justice and associate justices of the Supreme Court shall be severally known as justices of said court, with the same terms of office of ten years respectively as now provided. The Supreme Court shall consist of seven justices, any four of whom shall be a quorum, to be elected as now provided, not more than one each year. The justice having been longest a continuous member of said court, or in case two or more such senior justices shall have served for the same length of time, then the one whose commission first expires shall be ex-officio, the chief justice.

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SECTION 7. For each circuit there shall be chosen by the qualified electors thereof, one circuit judge, except that in any circuit composed of one county only, which county shall contain a population according to the last State or United States census, of one hundred thousand inhabitants or over, the Legislature may, from time to time, authorize additional circuit judges to be chosen. Every circuit judge shall reside in the circuit from which he is elected, and shall hold his office for such term and receive such compensation as the Legislature shall prescribe.

\* \* \* \* \*

SECTION 10. Each of the judges of the Supreme and Circuit courts shall receive a salary, payable quarterly, of not less than one thousand five hundred dollars annually; they shall receive no fees of office, or other compensation than their salaries; they shall hold no office of public trust, except a judicial office, during the term for which they are respectively elected, and all votes for either of them for any office, except a judicial office, given by the Legislature or the people, shall be void. No person shall be eligible to the office of judge, who shall not, at the time of his election, be a citizen of the United States, and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen.

\* \* \* \* \*

SECTION 13. Any judge of the Supreme or Circuit court may be removed from office, by address of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein: but no removal shall be made by virtue of this section, unless the judge complained of shall have been served with a copy of the charges against him, as the ground of address, and shall

have had an opportunity of being heard in his defense. On the question of removal, the ayes and noes shall be entered on the journals.

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SECTION 16. The Legislature shall pass laws for the regulation of tribunals of conciliation, defining their power and duties. Such tribunals may be established in and for any township, and shall have power to render judgment, to be obligatory on the parties, when they shall voluntarily submit their matter in difference to arbitration, and agree to abide the judgment, or assent thereto in writing.

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SECTION 20. Any suitor, in any court of this State, shall have the right to prosecute or defend his suit either in his own proper person, or by an attorney or agent of his choice.

SECTION 21. The Legislature shall provide by law for the speedy publication of all statute laws, and of such judicial decisions, made within the State, as may be deemed expedient. And no general law shall be in force until published.

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## ARTICLE VIII.

### FINANCE.

SECTION 1. The rules of taxation shall be uniform, and taxes shall be levied upon such property as the Legislature shall prescribe. Taxes may also be imposed on incomes, privileges and occupations, which taxes may be graduated and progressive, and reasonable exemptions may be provided.

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SECTION 7. The Legislature may also borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

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SECTION 10. The State shall never contract any debt for works of internal improvement, or be a party in carrying on such works, but whenever grants of land or other property shall have been made to the State, especially dedicated by the grant to particular works of internal improvement, the State may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

Provided that the State may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways.

## ARTICLE IX.

## EMINENT DOMAIN AND PROPERTY OF THE STATE.

SECTION 1. The State shall have concurrent jurisdiction on all rivers and lakes bordering on the State, so far as such rivers or lakes shall form a common boundary to the State and any other State, or Territory, now or hereafter to be formed, and bounded by the same; and the river Mississippi and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the State, as to the citizens of the United States, without any tax, impost or duty therefor.

SECTION 2. The title of all lands and other property which have accrued to the Territory of Wisconsin by grant, gift, purchase, forfeiture, escheat, or otherwise, shall vest in the State of Wisconsin.

SECTION 3. The people of the State, in their right of sovereignty, are declared to possess the ultimate property, in and to all lands within the jurisdiction of the State, and all lands the title to which shall fail from a defect of heirs, shall revert or escheat to the people.

## ARTICLE X.

## EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a state superintendent and such other officers as the Legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the Supreme Court, and shall hold his office for four years from the succeeding first Monday in July. The state superintendent chosen at the general election in November, 1902, shall hold and continue in his office until the first Monday of July, 1905, and his successor shall be chosen at the time of the judicial election in April, 1905. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law.

SECTION 2. The proceeds of all lands, that have been or hereafter may be granted by the United States to this State for educational purposes (except the lands heretofore granted for the purposes of a University) and all moneys, and the clear proceeds of all property that may accrue to the State by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty; and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the State where the

purposes of such grant are not specified, and the five hundred thousand acres of land, to which the State is entitled by the provisions of an act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one; and also the five per-centum of the net proceeds of the public lands to which the State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be called "The School Fund," the interest of which and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to-wit:

First. To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor.

Second. The residue shall be appropriated to the support and maintenance of Academies and Normal Schools, and suitable libraries and apparatus therefor.

SECTION 3. The Legislature shall provide by law for the establishment of District Schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition, to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

SECTION 4. Each town and city shall be required to raise, by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes from the income of the school fund.

SECTION 5. Provision shall be made by law, for the distribution of the income of the school fund among the several towns and cities of the State, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city, or town, for the year in which said city or town shall fail to raise such tax; nor to any school district for the year in which a school shall not be maintained at least three months.

SECTION 6. Provision shall be made by law for the establishment of a State University, at or near the seat of State government, and for connecting with the same, from time to time, such colleges in different parts of the State, as the interest of education may require. The proceeds of all lands that have been, or may hereafter be granted by the United States to the State for the support of a University, shall be and remain a perpetual fund, to be called "The University Fund," the interest of which shall be appropriated to the support of the State University, and no sectarian instruction shall be allowed in such University.



## ARTICLE XI.

## CORPORATION.

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SECTION 2. No municipal corporation shall take private property for public use against the consent of the owner, without the necessity thereof being first established by the verdict of a jury.

SECTION 3. It shall be the duty of the Legislature, and they are hereby empowered, to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and taxation, and in contracting by such municipal corporations. No county, city, town, village, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to any amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness. Any county, city, town, village, school district, or other municipal corporation, incurring any indebtedness as aforesaid shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on said debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same.

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## ARTICLE XII.

## AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed to either house of the Legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment, or amendments, shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election; and shall be published for three months previous to the time of holding such election, and if, in the Legislature so next chosen, such proposed amendment, or amendments, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment, or amendments, to the people in such manner, and at such time, as the Legislature shall prescribe; and if the people shall approve and ratify such amendment, or amendments, by a majority of the electors voting thereon, such amendment, or amendments, shall become part of the Constitution; PROVIDED, that if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately.

SECTION 2. If at any time a majority of the Senate and Assembly shall deem it necessary to call a convention to revise or change this Constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the Legislature. And if it shall appear that a majority of the electors voting thereon, have voted for a convention, the Legislature shall, at its next session, provide for calling such convention.

## ARTICLE XIII.

### MISCELLANEOUS PROVISIONS.

SECTION 2. Any inhabitant of this State who may hereafter be engaged, either directly or indirectly in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the Constitution and laws of this State, and may be punished in such manner as shall be prescribed by law.

SECTION 3. No member of Congress, nor any person holding any office of profit or trust under the United States (Postmasters excepted) or under any foreign power; no person convicted of any infamous crime in any court within the United States; and no person being a defaulter to the United States or to this State, or to any county, or town therein, or to any State, or Territory within the United States, shall be eligible to any office of trust, profit, or honor in this State.

SECTION 4. It shall be the duty of the Legislature to provide a great seal for the State, which shall be kept by the Secretary of State, and all official acts of the Governor, his approbation of the laws excepted, shall be thereby authenticated.

SECTION 5. All persons residing upon Indian lands, within any county of the State, and qualified to exercise the right of suffrage under this Constitution, shall be entitled to vote at the polls which may be held nearest their residence, for State, United States or County officers. Provided, that no person shall vote for county officers out of the county in which he resides.

SECTION 6. The elective officers of the Legislature, other than the presiding officers, shall be a chief clerk and a sergeant-at-arms, to be elected by each house.

SECTION 7. No county with an area of nine hundred square miles, or less, shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county, voting on the question, shall vote for the same.

SECTION 8. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and



a majority of the voters of the county, voting on the question, shall have voted in favor of its removal to such point.

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SECTION 11. No person, association, co-partnership or corporation, shall promise, offer, or give, for any purpose, to any political committee, or any member or employe thereof, to any candidate for, or incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality of this state, or to any person at the request or for the advantage of all, or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. No political committee, and no member or employe thereof, no candidate for, and no incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality of this state, shall ask for, or accept, from any person, association, co-partnership, or corporation, or use, in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. Any violation of any of the above provisions shall be bribery and be punished as provided by law, and if any officer or any member of the Legislature be guilty thereof, his office shall become vacant. No person within the purview of this act shall be privileged from testifying in relation to anything therein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence. The railroad commissioner and his deputy in the discharge of duty are excepted from the provisions of this amendment.

# THE CITY OF MILWAUKEE

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## THE COMMON COUNCIL

The legislative department of the city is called the Common Council and is composed of thirty-seven members called Aldermen, one elected by the voters in each ward, elected for two years, and twelve at large, elected for four years, half of them elected each two years. The Council chooses a President from its own membership, who presides at the meetings and acts as Vice-Mayor. The Council chooses a clerk, who is not a member; he is known as the City Clerk. An Alderman's salary is \$1,000 a year.

Regular meetings are held every two weeks; a majority is a quorum. Committees appointed by the President prepare business for the Council. Citizens interested in city legislation may attend committee meetings and address the members. Meetings of the Council are also public.

The Council makes appointments (usually in co-operation with the Mayor), changes ward boundaries, receives reports from officers, and enacts laws for the government of the city; these laws are called Ordinances, and they cover a great variety of subjects, such as the conduct of individuals, and corporations in matters not provided for by State laws, include such matters as the regulation of saloons, billiard halls, shows, theatres, weights and measures, breweries, packing houses, tanneries, speed of vehicles, height of buildings, explosives, contagious diseases, firearms, street lighting, naming of streets, numbering of

houses, harbors, collection of garbage, and many more. The general purpose of ordinances is public safety and convenience.

A majority of the Council passes an ordinance, the Mayor signs it, the Clerk records it and it is published in one or more papers; it is then a law of the city.<sup>51</sup> The Mayor has five days in which to consider an ordinance; two-thirds of the Council may over-rule his veto.

The Council has also certain large powers by which it may build bridges, lay sewers, extend streets, establish water-works, lighting plants, and street car lines, erect public buildings, locate and maintain parks and boulevards, establish and maintain libraries, museums, etc. The city is not compelled to do all these things itself. It grants permission to corporations to do some of them; such a grant is called a franchise.

Before January 1, each year the Council prepares a budget or estimate of the amount of money needed to run the various departments of the city government for the next year; it levies taxes, controls city funds, pays out the city's money, borrows money, issues bonds, examines accounts, etc. But in all financial matters the Council is limited by the Charter, which is a grant of power made by the State Legislature to the city.

### THE MAYOR

The chief executive is the Mayor, who is elected for two years. It is his duty to see that the laws are enforced and that the city officers perform their duties. He is

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<sup>51</sup> On a question of issuing bonds a two-thirds vote is necessary. For some purposes bonds may be issued by the Council without a vote of the people.

nominally head of the police and fire departments, but the appointment of policemen and firemen is under a commission, and at the head of each of these departments is a chief who can be removed only by the action of the commission. In case of riot the Mayor, with the Chief of Police, may appoint special policemen.

The Mayor has the power of appointment (with approval of the Council) of many officials. His actual power is not great, but he has many supervisory duties. He has a limited veto on the acts of the Common Council.

#### **TAXATION AND FINANCE**

Assessments are made in May by district assessors acting under the Tax Commissioner. These are examined and corrected by a Board of Assessors. A Board of Review consisting of the Mayor, City Clerk, Tax Commissioner and the Assessors, again revises the assessments, reducing assessments that are found to be too high and increasing those that are too low. Then the lists are deposited with the Tax Commissioner, who makes out a tax roll or schedule of taxes, showing how much each person taxed must pay. This is sent to the Treasurer, who receives and keeps the money to be paid out for the various city expenses. Orders on the Treasurer must be signed by the Mayor and Clerk and countersigned by the Comptroller. If a person does not pay his taxes his real estate is sold in February by the Treasurer; it may be redeemed within three years by paying the tax plus ten per cent per year for the time it remained unpaid.

#### **THE COMPTROLLER**

A Comptroller is elected by the people. He examines the books of the Treasurer, audits claims, examines and

countersigns contracts, bonds, and city orders. It is an office of great importance, for if the Comptroller should be dishonest or inefficient fraud becomes easy.

#### **THE PUBLIC DEBT COMMISSION**

In 1857 the city was almost bankrupt because of extravagance. A Commission of three members was established to have charge of this part of the city's finances; the members are appointed by the Mayor. It has charge of the sinking fund, which is the money set aside to pay the debt as the bonds come due; it superintends the issue and sale of bonds and pays the interest on them. The city debt is limited by the State Constitution to five per cent of the assessed valuation, based on the average of the preceding five years. The bonded debt is now (1917) nearly sixteen million dollars. This amounts to about \$35 apiece for each inhabitant.

#### **TAX COMMISSIONER**

This officer is appointed by the Mayor and Council for a term of three years. He supervises the assessment and appoints one assessor for each of 16 assessment districts to list the value of the property.

#### **COMMISSIONER OF PUBLIC WORKS**

A Commissioner of Public Works is appointed by the Mayor and Council; he has supervision of streets, alleys, bridges, docks, public buildings and grounds, sewers, dredging and other public work. He has a deputy and six superintendents.

The work of the City Engineer is closely related to that of the Department of Public Works and to the Water Department. The city owns and operates the waterworks, con-

sequently the price of water in Milwaukee is exceptionally low, and even at the low rate charged, a large surplus from the water fund is applied each year to the expenses of other departments of the city government; the Water Department is thus used as a means of taxation for general purposes.

### **HEALTH COMMISSIONER**

This officer is appointed by the Mayor and Council; he has charge of matters pertaining to health and sanitation; enforces quarantine ordinances; may vaccinate school children, or enter any building to find out conditions of sanitation; may destroy clothing or food which is dangerous to public health. This department also issues burial permits, and keeps a record of vital statistics, that is, facts concerning the number of cases of various diseases and deaths from the same, also births. Physicians are required to report to this department.

### **BUILDING INSPECTOR**

This officer is appointed by the Mayor and Council for a term of four years. He acts for the city in the enforcement of the building ordinances and of regulations pertaining to bill boards, signs and elevators.

### **THE LEGAL DEPARTMENT**

A City Attorney is elected for four years. He gives advice and opinions when requested by city officials, conducts the law business in which the city is interested and draws up ordinances, bonds and contracts. He appoints his own assistants and is responsible for the acts of his assistants.



### THE POLICE DEPARTMENT

A Chief of Police is appointed by the Board of Police and Fire Commissioners. There are five of these Commissioners appointed by the Mayor for a term of five years. Besides the Chief there are an inspector, a captain, six lieutenants, also detectives, sergeants, and patrolmen. These are appointed by the Board, with the advice of the Chief.

### THE FIRE DEPARTMENT

The Board of Police and Fire Commissioners appoints a Chief, assistants and firemen. The Chiefs of the Fire and Police departments have power to discharge men from the service, but an appeal may be taken to the board. The Mayor is theoretically the head of these departments, but practically his relation to them is little more than advisory.

### THE BOARD OF SCHOOL DIRECTORS

This Board is very nearly independent of the rest of the city government. It reports to the Council annually, the Council levies the taxes for the schools, but the School Directors say how much it shall be,<sup>52</sup> and the Comptroller audits its expenditures. But in all other matters the Board of School Directors manages its own affairs. There are fifteen directors elected by general vote for terms of six years, one-third going out of office every two years; they receive a per diem salary, the total not to exceed \$100 a year for each member, and can hold no other office except that of notary public or a judicial office. The Board fills

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<sup>52</sup> The State law fixes a limit to the amount which the Directors may levy: For maintenance, 2-7 mills on the dollar of assessed valuation; for repairs, .3 mills; for the Trade School, .3 mills; for extension work, .2 mills.

vacancies in its own body, the appointee holding until the next election. Regular meetings of the Board are held monthly. This Board provides school buildings and equipment and elects a Superintendent for a term of three years, also a Secretary who, because of a peculiar wording of the law, has a life tenure unless removed for cause by a two-thirds vote of the Board; a Superintendent of Buildings is also chosen by the Directors. The Superintendent of Schools appoints his own assistants. He is an advisory member of all committees.

Besides keeping the record of meetings and expenses, the Secretary takes the school census and keeps the Comptroller informed as to school finances. He is the business manager for the Board.

Most of the work of this Board is done through committees appointed by its President; the President and the Secretary sign all contracts and the Comptroller countersigns them.

The expenses of maintaining the public schools is very great—more than three million dollars a year, plus the cost of new buildings. But there is no tax which the people pay more cheerfully than the tax for the public schools. The most progressive and enlightened nations spend vast sums for public education. The people of the United States pay out much more each year for war than for education.

#### **PUBLIC LIBRARY AND MUSEUM**

These institutions are housed in one fine building, and there are also branches of the Library in different parts of the city. The Public Library and Museum are supported by public taxes and each is under the management

and control of a Board of Trustees of nine members. The President of the Board of School Directors and the Superintendent of Public Schools are *ex-officio* members of these boards. By the Charter the Public Library is made a part of the educational system of Milwaukee.

### INDUSTRIAL EDUCATION

There is a Board of Industrial Education, four members chosen by the Board of School Directors and one *ex-officio* member, the Superintendent of Schools. This board has charge of the education of children over fourteen years old who are employed at work and who are required to spend a part of each week in school. This department also conducts night schools for adults and schools for apprentices.

### THE PARK COMMISSIONERS

A Board of Park Commissioners is appointed by the Mayor and Council. There are five members, and their term is five years; they receive no salary. This Board selects park sites, and when these are purchased for the city by the Common Council, the Commissioners appoint superintendents to look after the improvement and care of the parks.

### CENTRAL BOARD OF PURCHASES

This board is made up of the Mayor, two members of the Council and representatives from six other boards and commissions. It purchases the supplies for the various departments of the city government.

### BUREAU OF WEIGHTS AND MEASURES

This is in charge of an officer appointed by the Mayor and known as the Sealer. He has under him inspectors

who examine the scales and measures used by merchants, and if any weights or measures are incorrect it is the duty of the Sealer to confiscate and destroy them.

### **COURTS**

The City government of Milwaukee has no judicial department. The courts that are in the city are a part of the County, State or Federal system. But there are two courts that have a municipal origin—the District Court and the Municipal Court, each having one judge. They both have criminal jurisdiction. Most of the graver crimes committed in the city are tried in the Municipal, minor offenses in the District Court, which is sometimes called the Police Court; violations of city ordinances are tried here; disorderly conduct is usually the offense. On certain days of each week, one judge, selected by the other judges, tries juvenile offenders; this is called the Juvenile Court.

What is known as the Civil Court is peculiar to Milwaukee County. There are seven Civil Court Judges, and their jurisdiction is similar to that of Justices of the Peace in other counties, but more extensive, including cases in which the amount involved is \$2,000 or less. One of the Civil Judges is called the Chief Judge; he arranges the court calendar.

### **PURPOSE OF MUNICIPAL GOVERNMENT**

In general, the purpose for which municipal government exists is to promote the safety and convenience of the citizens, to do those things which may be done more economically and efficiently by all the people acting together than by individual effort, and to make the city a

desirable and beautiful place in which to live. The tendency among the most progressive cities in every civilized country is to increase the number of enterprises in which the municipality engages to accomplish these ends.

### QUESTIONS

1. What officer of the Council is not a member of that body?
2. Who may attend meetings of the Council and of its committees?
3. What are some of the subjects which the Council may regulate by ordinances?
4. What is a charter? A budget? A franchise?
5. What are the duties of the Sealer?
6. What powers does the Mayor have?
7. What is an assessment, and when is the property assessed for taxation?
8. What occurs in case a person does not pay his tax?
9. Define *audit*. What officer audits claims against the city?
10. To what department must report be made in case of contagious disease?
11. If you wanted to put up a building in the city to what department would you apply?
12. What are the chief duties of the City Attorney?
13. Who appoints the Chief of Police and the Chief of the Fire Department?
14. What department is nearly independent of the rest of the city government; and what are its chief duties?
15. What public officer holds his position practically for life?
16. What organic relation is there between the Public Library and Museum and the public school system?
17. If a person owes you \$500 and refuses to pay it, in what court could you bring suit?
18. What is the Juvenile Court, and what offenders are tried there?

### GENERAL REVIEW QUESTIONS

1. What kind of power, original or delegated, is exercised by the Federal government? By the State? By the City?
2. In a democracy, is voting a right or a privilege? In a monarchy or an aristocracy?
3. What was the Ordinance of 1787?
4. What is meant by a Congressman at large?
5. What is an indirect tax?

6. Can you see any good reason for the prohibition as to the Sheriff in Article VI, Section 4 of the State constitution?

7. What officers may the Governor remove from office?

8. What is an *ex post facto* law?

9. Persons belonging to what races are debarred from naturalization?

10. If a State should have its Governor appoint its Presidential Electors, would that method be constitutional?

13. What is the constitutional designation of what is popularly called the "President's Cabinet"?

14. About how large is the interest-bearing debt of the Federal government?

15. United States Representatives are usually chosen by districts; if the people of the Fourth District (Milwaukee County) should elect to Congress a citizen living in Superior (in the Eleventh District) would that violate the Constitution?

16. What is the punishment for dueling in Wisconsin?

17. What constitutional restriction is placed on the removal of county seats?

18. What does the State constitution provide in regard to the use of railroad passes and dead-head telegrams?

19. For how long may a farm be leased in Wisconsin? (Art. I, Sec. 14.)

20. Who owns all the land in Wisconsin? (Art. IX, Sec. 3.)

21. What railway has the most mileage in the State?

22. Suppose that a citizen desires to correct some abuse or neglect by a railway or express company, how should he go about it?

23. Name three purposes for which municipal government exists.

24. Name five professions or occupations for which licenses must be obtained.



# HOW TO RUN A PUBLIC MEETING

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When it is time to open the meeting, any one present—usually one of those who called the meeting—calls the meeting to order and nominates some one for President; or he may say: “Nominations for President are in order.”

When a nomination is made, the one who called the meeting to order—or if he is nominated, then the one making the nomination—says: “Those in favor of Mr.—— for President say *aye*.” “Those opposed, *no*.” If there should be more than one nominee the vote should be taken by standing or by a show of hands. The one who puts the motion decides who has been elected, and this will stand as the act of the body, unless an appeal to the house should be taken.

The one elected should then take the place of Chairman of the meeting, and announce that the election of a Secretary is in order. When the Secretary is elected the meeting is ready to transact business. If the meeting was called by a written notice, the call should be read by the Secretary, otherwise the President should state the object of the meeting, or call upon some one to do so.

## ORDER OF BUSINESS

The by-laws of a permanently organized body fix an order of business, that is, the order in which the different kinds of business shall be taken up at each meeting. The usual order for a first meeting is as follows:

1. Call to order.
2. Election of temporary president and secretary.
3. Reading the call or stating the purpose of the meeting.
4. Appointment of a committee on permanent organization.
5. Recess or informal talks while the committee is getting ready to report a plan of permanent organization.
6. Report of committee on organization.
7. Appointment of committees.
8. Election of permanent officers.
9. Communications.
10. Reports of committees.
11. Business.
12. Adjournment.

No subject can come before a deliberative body unless a motion is made by a member and seconded by another member.

A *viva voce* vote is a vote in which the response "aye" and then the response "no" are given, each in concert. But a vote by "ayes" and "noes" is taken by roll-call, each member responding "aye" or "no" as his name is called.

When a *viva voce* vote is taken, if the Chairman is uncertain of the result, he should say: "The ayes" (or the noes, as the case may be) "seem to have it." After a brief pause, if no one calls for a division, he should then say: "The ayes" (or the noes) "have it." But if a member calls for a division the vote must then be taken by standing or by a show of hands.

Motions are of two general classes, (1) The main question, (2) Subsidiary motions.

Subsidiary motions are of four different ranks, as follows:

*First Rank*—Question of consideration: not amendable and not debatable. applies only to the main question.

*Second Rank*—Motion to lay on the table: not amendable and not debatable.

*Third Rank*—Motion to postpone to a certain day; amendable and debatable.

Motion for the previous question: not amendable and not debatable.

Motion to commit: debatable and amendable.

Motion to postpone indefinitely: not amendable; debatable as to itself and opens up the main question for debate.

The four motions of the third rank have no precedence over one another, and when any one of these four is pending it must be disposed of before another can be entertained.

*Fourth Rank*—Motion to amend: debatable and amendable.

*Privileged Questions:*

First, to adjourn.

Second, to fix the time to which the assembly will adjourn.

Third, to take recess.

Fourth, questions relating to the rights and privileges of the assembly.

Fifth, questions relating to the rights and privileges of individual members.

*Incidental Questions:*

First, questions of order.

Second, reading of papers.

Third, withdrawal of a motion.

Fourth, suspension of a rule.

Fifth, division of a question.

The main question is the topic or subject of deliberation, and may be the motion of a member or the report of a committee.

Subsidiary motions are those which are used to dispose of the main question, and relate to the progress of that particular subject. They are not all of the same rank, which means that some yield to others. Those of higher rank precede those of lower rank; those of the same rank or order have no precedence over each other,—“first come, first served.” These subsidiary motions look towards the disposal of the main question by ascertaining in various ways the will or opinion of the assembly.

To illustrate: A motion has been made, seconded and stated by the chairman; it is then in possession of the assembly. The assembly may or may not care to spend

time on the question; the question of consideration will register the opinion of the assembly on that point. An affirmative vote on the question of consideration makes the question upon which consideration was raised, the business before the assembly. A negative vote dismisses the whole matter for that session. The object of the question of consideration is not to suppress debate, but to prevent a waste of time on questions which may be irrelevant, unprofitable, or contentious. The question of consideration must be moved, if at all, *before* any debate has been made on the main question before the house.

The subsidiary motion of second rank is the motion to lay on the table. It takes precedence of all subsidiary motions of the third and fourth ranks. It is neither amendable nor debatable, for it puts the question to which it is applied (if decided in the affirmative) out of the way for the immediate present only. The question laid on the table may be taken up at any time, even a few minutes later, if a majority so decide. The object of the motion is to put the subject aside in such a way that it may be taken up at any time, either at the *same*, or some *future* meeting, which could not be accomplished by either of the postponement motions:

There are four subsidiary motions of the third rank. They have no precedence over one another. The one which has been first moved must be disposed of before any of the others will be in order. For example, if a motion to commit (that is to refer to a committee) is pending, a motion to postpone would not be in order. So, also, if either of the postponement motions is pending, a motion to commit, or for the previous question, cannot be received.

A motion for the previous question is neither amendable nor debatable. Why? Its object (to close debate) would be defeated were the motion amendable or debatable.

Often the nature of the question is such as to demand the labor and investigation of a select few, known as a committee. The motion to secure this end is called the motion to commit or refer. The motion to commit is debatable as to itself, but does not open the main question to debate, since that will be in order when the committee reports. The motion to commit is amendable; there may be different opinions as to the number of the committee, or as to committing with or without instructions.

The motion for indefinite postponement gives the enemies of a measure an opportunity to test their strength without a direct vote on the question itself. An affirmative vote on the motion to postpone indefinitely defeats the measure to which the motion was applied. Since an affirmative vote on the motion to postpone indefinitely may decide the question, the merits of the motion must be open for discussion, otherwise the main question would be decided without debate.

The subsidiary motions of the first, second and third ranks are methods by which an assembly may dispose of the main question in the different stages of its progress and lay it aside permanently or temporarily.

By the subsidiary motion of the fourth rank, the assembly may modify the main question so that it will represent the judgment of the majority of the assembly. Without the right to amend, a deliberative body would be obliged to do one of two things, either of which might not express the will of the assembly. To adopt a proposi-

tion in a form not satisfactory, or to reject one which in many features was satisfactory. The motion to amend is necessarily debatable, since its purpose is to shape and fit the main motion for passage by the assembly.

The main question and the subsidiary motions all relate *strictly* to the progress of some particular business before the assembly. There are other motions which do not concern themselves with the progress of the main question, but with the existence of the assembly as a working body, its peace and good order. They relate to the main question only in so far as they delay action by taking up time. These motions which do not relate to the business before the assembly have precedence over all others. This is because they are essential to the existence of the assembly as a deliberative body. No parliamentary body can continue work indefinitely. Therefore, the right to adjourn or to have a recess, or to name the time to which the body will adjourn, is a right inherent in every such body. The assembly as a whole or one of its members may be subjected to indignity or attack which might seriously interfere with the progress of work. If the assembly could not set itself right, it might cease to exist; hence there arise questions of privilege, enumerated above. The first three motions are called privileged motions, and the last two questions of privilege.

Let us suppose a series of motions pending :

1. Main question.
2. Amendment.
3. Amendment to amendment.
4. Call for previous question.
5. Question of privilege.
6. Motion to adjourn.



In disposing of these, more may arise. The last motion made is the first put; that is, they are put in reverse order. First the motion to adjourn, if decided in the affirmative stops all work by dissolving the assembly. If negatived, then comes the question of privilege, then the previous question and so on, the main question last.

## RECENT TENDENCIES AND MOVEMENTS

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On matters pertaining to government, the old political parties do not clearly represent the present division of opinion among the American people. There are two views of government which divide the people into what are called progressives<sup>53</sup> and conservatives; these are not organized groups or parties, but types of political thought.

The progressives, as the name indicates, want to go forward, make progress, and bring about changes; they are willing to make experiments, believing that in this way the people will work improvements in the government.

Conservative comes from the word conserve, which means to save, preserve or keep without change. The conservatives prefer to let governmental matters remain as they are and to make changes very slowly and cautiously if at all. They fear that if changes are made the people may be too rash and may not act wisely.

The subjects on which these two classes of thinkers differ are chiefly those pertaining to the amount of power which the people should exercise by direct legislation, that is, by popular vote instead of indirectly through repre-

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<sup>53</sup> The word "progressive" as used above refers to a type of political thinkers, not to the organization known as the Progressive party. The present national parties that have elected presidential electors are the Democratic, the Progressive and the Republican. There are two other national parties that have had presidential candidates, the Social Democratic and the Prohibitionist, each of which casts a large popular vote.

sentatives. In general it may be said that the progressives favor and the conservatives oppose the following:

*Direct primary nominations.*

*The initiative, referendum and recall.*

*Strict government control or ownership of public utilities.*

Progressives and conservatives are found in both the Democratic and the Republican parties. The progressives are popularly called "insurgents" and the conservatives "standpatters."<sup>54</sup>

The nomination of candidates by a direct primary vote of the people instead of by delegates in a convention is now the method employed in many states; one of the earliest states to adopt this method was Wisconsin.

It is worthy of note that the election of President has become virtually an election by popular vote and not by the Electors exercising their own judgment as was intended by the framers of the Federal Constitution. This was accomplished through the organization of parties and the nomination of candidates through national conventions.

The Initiative is a method by which a small percentage of the voters, usually from five to eight per cent, may propose a measure, which if approved by a majority at the next election, becomes a law the same as if it had

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<sup>54</sup> At the present time (1917) the conservatives make up a considerable part of the Democratic party, most of the Republican party and a few of the Prohibition party. The progressives constitute the larger part of the Democratic party, all of the Progressive party, all of the Social Democratic party, and some of the Prohibition party. There is a strong and growing disposition among independent voters to shift readily from one party to another, according to whether one or another organization at the time represents their views.

been enacted by the Legislature. This enables the voters to act independently of the Legislature in case that body does not pass laws which the people want. The voters can thus begin (initiate) legislation, hence the name.

The Referendum is a law providing that within a certain time, usually three months, after the adjournment of the Legislature any law passed by that Legislature may be "held up," that is, prevented from becoming operative, if a certain per cent of the voters, usually from five to eight per cent, sign a petition asking for a referendum vote on the measure, in which case the law remains inoperative until the next general election when the people adopt or reject it by popular vote. This is sometimes called the people's veto.

The Initiative and Referendum are called Direct Legislation. They increase very much the power of the people in making their own laws. They apply also to the amendment of constitutions. Those who favor these methods of making laws believe that Direct Legislation is a safeguard of the people's rights against legislators who refuse to enact laws which the people want, or who enact laws which the people do not want. Without such a system a law passed by a Legislature, however much the people may dislike it, is in force until the next Legislature repeals it, and the next Legislature also might not act in accordance with the wish of the people. It is argued by the progressives that the need of Direct Legislation is the greater because in recent years lawmakers have so often been influenced by corrupt motives and private interests rather than a regard for the public good. The conservatives argue that laws should be framed and enacted

by experts rather than by the common people; that it is not safe to give the people so much direct power lest they enact harmful laws; and that if the constitution can be amended too easily the people may change it to their own hurt. The conservative says we should be guided by the wisdom of the framers of our government and of former lawmakers, and thus conserve the good things of the past approved by the wisdom of the ages. The progressive says we should look to the present and the future rather than to the past, and be governed by the living generation rather than by those that are dead; that

“New occasions teach new duties;  
Time makes ancient good uncouth.  
They must upward still and onward  
Who would keep abreast of truth.”

Direct Legislation has been in operation for about ninety years in Switzerland, and for about a generation in Australia and New Zealand. The first American State to adopt it was South Dakota, in 1898. Since then it has been adopted in about twenty other states.

The Recall is a law by which an officer can be removed from office and another election held to fill the position if a petition for his removal be signed by a certain per cent of the voters, usually twenty-five per cent. This is intended to give the people the power to remove an unworthy officer before his term expires without the difficult process of impeachment. Many states have the Recall. The people of Arizona framed a constitution which provided for the Initiative, Referendum and Recall; it was approved by Congress by a very large majority but vetoed by President Taft because the Recall applied also to judges; but so strongly progressive were the people of Arizona

that the first act of the State after admission was to restore to their constitution the Recall which they had cut out in order to secure admission.

The tendency toward direct legislation by the people is shown also in the recent movement in some states to make constitutions more easily amended. The more easily a constitution can be changed the more promptly can the voters express their will. To make a constitution as easily changed as any other law would be practically the same as to abolish the written constitution, and some thoughtful men believe that this would be a good thing to do. Others look upon the written constitution as a sort of foundation on which government rests and without which there would be no guarantee of its continued existence.

Written constitutions originally grew out of those charters or guarantees that were granted by the sovereign as a safeguard of the people against their rulers. The Magna Charta, by which King John was forced to give the people a guarantee that certain rights and privileges should be enjoyed and safeguarded against encroachment by the sovereign, is a famous illustration of this. But when a people becomes entirely self-governing, there is no need of safeguards to protect the people against the rulers, for the people themselves are their own rulers, and they need no protection against themselves. Therefore the chief value that attaches to a written constitution is to serve as a sort of declaration of principles setting forth what the people at the time of its adoption believe to be right, and as a schedule or program for the routine machinery of government; in regard to both these features the



people may change their views and may change the constitution accordingly.

Many self-governing peoples, such as Great Britain and her colonies, have no written constitutions; they look upon a written constitution as a hindrance to progress and growth, an unnecessary check on the power of the people. The ease with which constitutions can now be changed in those States which have the Initiative and Referendum removes all the objections that have been made to written constitutions on the ground that they impede progress and handicap the evolution of democracy.

On the other hand, it is still held by some that constitutions should be difficult to amend lest the people make rash and unwise changes in their government; that the people of one generation may properly bind those that come after them to certain forms of governmental machinery, not to be changed without long and mature deliberation; that the people need this anchorage to the past as a protection against themselves. To this, the other school of civic thought replies that among English speaking nations the people are notably conservative, slow to change, clinging tenaciously to established customs and modes of procedure, and that this native reluctance to change is a very powerful force that will prevent rash or ill-considered action; that in those countries in which there are no constitutional checks on the people's will and in those states in which the constitutions are easily amendable the people have always moved slowly and cautiously in changing their laws.

In the changes that have been wrought in American government, the movement has always been toward plac-

ing greater power in the hands of the people and admitting more of the people to the right of voting; and this tendency at present is stronger than ever before, except that in most of the Southern States the franchise is practically limited to the whites.

The framers of the Federal government had little conception of a popular government, and they did not desire to establish a plan in which the rule of the people by the people should be the central idea. The leaders of that day did not trust the people, and feared to put into their hands the power to rule themselves. Therefore they framed a government very far removed from the popular or people's power type. Most of them agreed with the sentiment expressed by the statesman who declared there was "danger lest liberty should perish through excess of liberty."

It is no discredit to the men of that time that they entertained such fears, the world's history down to the nineteenth century furnished no example of a people ruling themselves through the exercise of general suffrage; they and their ancestors had been accustomed to a form of government in which the most of the people did not participate but in which the laws were made by the few—the supposedly wise and good who were believed to be especially fitted for such an important function.<sup>55</sup> It is not surprising, therefore, that they made for us an appointive, rather than a democratic government, nor is it strange that the plan was ratified by the legislative representatives of the very small fraction of the people who at that time had the legal right to vote.

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<sup>55</sup> When the question is asked, whether the people—or any particular people—are fit for self-government, another question calls for an answer: "Is any person fit to be a despot?"

The right to vote in this country was not always as general as it now is. At the present time about one out of every five of the population (not counting our conquered subjects) has the legal right to vote; but as late as the year 1800, only about one in thirty had that right. Property qualifications in some form were required in all the states, and in most of them those only could vote who held real estate. In some States religious tests also were applied; in one state a man could vote for local officers if he occupied a house of certain dimensions, and if he lived in a house of larger size he could vote for State officers also. General manhood suffrage was not the rule until about sixty years after the Federal government was established, and the property test was not abolished in all the states until near the beginning of the twentieth century.

This movement to extend the suffrage is still going on, notably in the movement to enfranchise women, a movement which has made great progress in recent years.

In about a fourth of the States women have the full franchise and in several others they have what is called "Presidential Suffrage"; in these States women may vote for Presidential Electors, Congressman, and nearly all local or municipal officers, also on school matters and bond issues. In Wisconsin, a law to extend the suffrage does not require constitutional amendment, but the action of the Legislature must be ratified by a popular vote. Several attempts have been made to give women the right to vote, but although in many ways the State is "progressive," it remains "conservative" on this subject.

The motto of the State of Wisconsin, which appears on the great seal of the State, is "Forward," and the citizens

of the State have usually shown themselves to be in harmony with the spirit of this motto. In civic matters as in material, educational, and ethical our yesterdays and to-days should be stepping-stones to better to-morrows, for, in the words of Cardinal Newman, "To stand still is to die; to live is to change; and to be perfect is to have changed many times."

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